

STATUS OF UNIARA

(A reply to Mr. C. U. Wills' Report on the Land Tenures and Special Powers,
on Certain Thikanedars of the Jaipur State)



By

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CHAPTER I

INTRODUCTION

In lucidity of style, the report is an achievement in itself. Mr. Wills has taken lot of pains in going through the old records of the Jaipur State which were up till now not accessible to anybody. He has consulted original authorities on the Mogul period and also has inspected the Government of India Records. None could have done better in so short a period. But Rome can not be built in a day nor can an authoritative History of the last two centuries be prepared in so short a period. The task is all the more difficult when it involves undoing the work of past writers. There is a further damaging admission that all was not well with the Government of Jaipur and that papers were secretly removed from the state records and that Mr. Wills was faced with the task of reconstructing on the basis of old, disordered, Jharshahi papers, the territorial history of large portions of the state. With such material at the disposal of a historian it required bold nerves to assert that a Thikana originated at a particular time simply because there are no papers showing the existence of such Thikana prior to

that time. Moreover, Mr. Wills does not claim to have gone through every paper of the Jaipur Record Room, and it is likely that there may be a lot of papers, which may modify the conclusions of Mr. Wills. After the publication of the report during the absence of Mr. Wills, lots of further documents have already been discovered. This shows the defective nature of the material made use of by Mr. Wills.

Mr. Wills has dealt with the historical origin and development of the privileged Thikanas which "exercise such unusual powers as might seem to support their claim to stand outside the ordinary administration of the state." All these Thikanas which are subject of Mr. Wills' inquiry are regarded as Ilaqa Gair for purposes of customs. All enjoy the privilege of manufacturing and selling of intoxicants. Three of them maintain their own police and law courts, in short they constitute Rajs within the Raj.

According to Mr. Wills the true state of affairs in the Jaipur State in general and the Uniara Thikana in particular, is as follows:—

1. That the Jaipur territories including the present Uniara Thikana, were from the days of Akbar to those of Aurangzeb under close Mogul control. Administratively they were mainly in Mahommedan hands. There were Muslim Jagirdars, and landholders throughout the country, holding small estates—the patrimony or Watan of Amber family being very limited.

2. That in the 18th century the Jagirs or assignments were growing unpopular due to frequent changes and transfers and a new class of intermediary farmers was appearing in the field, which contracted for the collection of the King's revenue. Maharaja Sawai Jai Singh on account of his tremendous influence at the Mogul court, "took large farms in addition to his traditional areas." Maharaja Sawai Jai Singh took authoritative Ijaras of a lot of parganas which he could control, and subleased the areas to Shekhawats and Narukas.

3. That Uniara family is no better than Ijardars. The three talukas of Uniara, Nagar and Banetta according to Mr. Wills, were attached in aspecial way to the office of the Faujdar or Military Governor of the famous fortress of Ranthambhore. Sawai Jai Singh took the Ijara of the post of Faujdari

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of Ranthambhor and subleased the post to Uniara family near about 1730. Thus the Rao Rajas of Uniara were "originally lessees of the administrative functions known as Fanjdari and Subedari which carried with them the right to occupy a certain tract of country. With lapse of time the original form of contract was forgotten, and the payment came to be regarded simply as so much revenue payable by the Narnka family on account of their holding the main block of the Thikana". Regarding Awan, Mr. Wills declares it to be held by Rao Rajas on Istamrar tenure in Ijara. Mr. Wills makes no suggestion regarding the pargana of Kakor. Probably he includes it in Pargana Benetta, and connects it with the administrative functions of Subedari and Fanjdari.

4. That during the minority of Maharaja Prithi Singh and Pratap Singh, due to the weakness of the administration, growing anarchy and Marhatta raids into the state of Jaipur, the control of the Durbar over the Thikanas under inquiry including Uniara, grew loose and the "unscrupulous Marhatta levies fostered political disintegration. The Thikanedars grew relatively stronger as the central authority grew weaker."

5. That originally the Ijaras were terminable at the will of the Maharaja, but the lapse of time, the weakness of the ruler and the growth of prescriptive title have created a tenure which is hereditary and permanent. As the original agreement between the Thikanas and Jaipur Durbar was a farming lease, the position remains unchanged. "The basis of the tenure of their land was originally an Ijara and it is an Ijara still."

6. That the British Government by its treaty with Jaipur in 1818, recognised the sovereign rights of the Maharaja of Jaipur, but refused to concede to the Thikanedars more than the status that they originally enjoyed.

7. That British official view of the Thikanedars that Uniara Thikana (like other Thikanas of Shekhawati) was originally independent of Jaipur and subsequently accepted the suzerainty of Jaipur Durbar is erroneous and not based on correct material.

8. That Uniara Thikana having been created by the Jaipur Durbar, can enjoy no rights greater than those conferred upon it by its creator.

9. That customs and mines being sovereign rights, Uniara like the rest of other Thikanas under inquiry, has no right to levy customs or taxes or to get any income from major minerals. The minor minerals may be worked by the Thikana, but the state should reserve its right to extract free of charge for a public purpose, any of the minor minerals included in the quarrying rights of the Thikana.

Mr. Wills also purports to define the exact police and judicial powers of the Thikana but makes no recommendations regarding any change or modification in them, and this matter has been excluded from the terms of reference of the Inquiry Committee.

The legal adviser of the Thikana does not claim to be an expert historian, nor was the time and material at his disposal sufficient for writing an authoritative history of Jaipur or Uniara. But no pains have been spared to know the truth, and every attempt has been made to judge the theories and facts impartially and without prejudice. The legal adviser is not an artist and it is hoped that in future a more skilful pen will utilise this material for writing a complete and full history of the Thikana.

✓ According to researches of the legal adviser, Mr. Wills has not properly appreciated the system of Jagirs of the Mogul times, nor the Ijaras taken by Maharaja Sawai Jai Singh Ji. The post of Foujdar of the fortress Ranthambore was never leased to the State, nor subleased to the Thikana by it. The Thikana of Uniara had quite an independent origin and was in existence much earlier than the period when the alleged lease is alleged to have come in operation. Long before the date of the alleged lease of the post, Rao Rajas of Uniara had been important Mansabdars of the Mogul Court. The Thikana possesses all rights of administrative autonomy i. e. internal sovereignty including the right to levy customs and to work out the mines.

This note has been divided into two parts—the second part being devoted solely to the question of customs on account of its importance. In the first part I have dealt with the functions of the Foujdar of Ranthambhore and shown the impossibility of the factum of the lease of the post. I have next dealt with the origin and growth of the Uniara Thikana till 1730, when the alleged lease is said to have been obtained. The system of Zamindaries

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and Jagirs as prevalent in Mogul times has then been discussed. I have next dealt with the manner in which Uniara came into the orbit of Jaipur in the time of Maharaja Sawai Jai Singh. A chapter is also devoted to Awan Pargana. Then a bird's eye view of the next half of the 18th century and the early portion of the 19th century has been given. I have next discussed the constitutional position of Uniara, and tried to show the legal rights and liabilities of the Thikana by virtue of its connection with the Durbar. Later on the treaty of 1818, with the East India Company and the alleged settlement have been dealt with. I have devoted a separate chapter to the principles to be applied in the present controversy. A chapter has been devoted to the mining rights. The jurisdiction of the committee has also been questioned. In the end, the argument has been summarised so that the salient points may be kept in mind.

CHAPTER II

LEASE OF MILITARY COMMANDERSHIP OF RANTHAMBHORE.

Mr. Wills is not clear in his report as to what he means by his statement that three taluqas of Uniarra, Nagar and Banetta were attached in a special way to the office of the Foujdar or Military Governor of the famous fort of Ranthambhore.

By Foujdar Mr. Wills means Military Commander of the fortress. The translation of the word 'Foujdar' is literal but misleading. A province of Mogul India was divided into districts which were called Sarkars. The head of a Sarkar was styled as Foujdar. Foujdari and Sarkar were thus synonymous words. The fortress of Ranthambhore was also in charge of the Foujdar of the Sarkar of that name. Probably what Mr. Wills means is that the post of Foujdar of Sarkar Ranthambhore carried with it an assignment, in lieu of pay and emoluments of the office. Every Foujdar of that Sarkar enjoyed a Tankha Jagir of the Parganas of Uniarra, Nagar and Banetta. It is the crux of Mr. Wills case and requires close scrutiny.

There is no historical material to support the above proposition. The legal adviser has been given to understand by Mr. Wills that the following two passages from Moreland's Agrarian system of Moslem India support his theory.

1. "Up to the end of the 17th century with the exception of one short period, payment by assignment was the rule of the Mogul Empire, and payment from the treasury was exceptional. A few assignments, which carried special administrative jurisdiction were allocated by the Emperor's personal order, thus a district surrounding a fort like Ranthambhore or Kalinjar usually went with the command of the fortress.....Moreland p-93.

2. "I have found in the chronicles only three references to the existence of assignments during the period in question (Akbar's time) in the regions taken under direct administration. Two of these Chnnar and Ranthambhore were administrative charges with an assignment attached." Moreland P. 96.

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Mr. Moreland's above observations are based upon the following passage of Akbarnama:—

“One of the occurrences was the sending of Dastam Khan to the Government of Ajmer. H.M. perceived in him the indications of subject-cherishing and justice and so increased his dignity. He assigned the Sarkar of Ranthambhore to him as his fief, and sent him away to protect the province.” (Akbarnama Vol. III. P. 210.)

This smashes the first proposition of the report. A Governor of Ajmer was given the district of Ranthambhore as Jagir in lieu of his pay, and during his term of governorship no Foudar of that Sarkar was appointed, and the tribute which was paid by the princes of that Sarkar was realised by Dastam Khan.

Mr. Willis is of opinion that the fact that “these talugas were so assigned is the only assumption that explains the entries in the old state papers.” One should be a bit careful in making historical assumptions. Even the Jaipur State papers suggest a different tale. A critical scrutiny of the Jaipur papers is made in Chapter V and they fully support the contention of the Thikana that it was an independent state during the time of the Moguls, paying fixed tribute to the Royal exchequer. Its position was just like that of Amber, Kotah, Bundi or other Rajputana States.

The second proposition laid down in the report is that in 1727, Sawai Jai Singh took the Ijara of the post of Foudari—or Military Commandership—of Ranthambhore, for which he paid an original sum of Rs. 34,000/-. This is also unhistorical. There is no reference anywhere in any historical authority to suggest that the post of Military Commandership of this fortress was ever leased out during the Mogul period. The fort of Ranthambhore occupied a key position in the province of Ajmer or Rajputana which was mainly a country of the Rajput Chiefs. It was a place of extreme strategic importance. The steep rocks, the impregnable walls, the plentiful water supply, and the fertile country around it had made it as one of the two greatest forts of India. It could withstand protracted siege. It controlled Malwa as well as the Eastern Rajputana. Its importance may be judged from the fact that Akbar personally directed its siege, and even

then unable to capture it by force of arms, had to stoop to foul means to secure this fortress, by bribing Rao Surjan Hara of Bundi, "who was given the Government of fifty two districts, whose revenues were to be appropriated without inquiry on furnishing the required contingent." (Tod-Annals, Vol. III P. 1481.) It was the basic policy of Mogul administration that the key position should always be kept in the hands of trustworthy Muslim officers. No Rajput was ever appointed Military Governor of this fortress till 1755. Those who carved and managed such a big Empire as that of the Moguls were not lacking in ordinary sagacity as to fail to realise the importance of the fortress. Appointing a Rajput Military Governor meant losing Rajputana. For this very reason we find that Foudars of Ranthambhore were all Mohammedans. It is further to be submitted that no Rajput prince of one clan would like to bow his head before a Rajput prince of another clan. In the Bundi treaty, it was specifically settled that the members of the Bundi family would never be placed under the command of a Hindu leader. (Tod-Annals Vol. III. P. 1482.)

Maharaja Sawai Jai Singh might have tried to secure the fortress or to be appointed its Governor or Foudar, which meant the same thing, but this is perfectly certain that he never secured the fortress. In 1747 Maharaja Ishwari Singh was ordered by Mohammad Shah to oppose the Abdali invasion from the North-West and as a price of the support, Maharaja Ishwari Singh demanded the fort of Ranthambhore but though the Empire was tottering, Nadir Shah's invasion had robbed it of its wealth and splendour, the Governors were becoming de-facto independent monarchs, and the Maharaja's help was extremely necessary, yet the demand was rejected. (Sarkar: Fall of the Mogul Empire Vol. 1 P. 288.) The horse was yet alive and kicking. In 1755 for the first time the fort of Ranthambhore was given to Maharaja Madho Singh, which his father and elder brother had begged in vain from Mohaminad Shah. (Sarkar: Fall of the Mogul Empire Vol. I p. 504.) A farman of Ahmad Shah granting the fortress is in possession of the Durbar, and it is likely to throw the greatest light on the subject. An application was submitted to the Inquiry Office for a copy of the document, but it was not supplied.

The third proposition of Mr. Wills that the post of Foudari, or

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Military Governorship was subleased to Uniara Family, may be summarily rejected. When Jaipur never secured the lease, it was unthinkable for it to sublease the post to Uniara Rao Raja. Not a single Rao Raja has ever been Military Governor of this fortress. None from Uniara family ever occupied it. Mr. Wills does not himself suggest that they did so, and that later on they gave the fortress to Jaipur, while continuing to pay the self same Mauzala.

CHAPTER III

THE EARLY HISTORY OF UNIARA THIKANA.

The Rao Rajas of Uniara are descendants of Narooji, the grandson of Bir Singh, the eldest son of Maharaja Udai Karan of Amber, who flourished in the 14th century. (According to Fateh Singh Champawat—author of History of Jaipur, Bir Singh was the third and not the first son of Maharaja Udai Karan.) All the descendants of Narooji are called Narukas—important among them being the Rao Rajas of Machheri (now Maharajas of Alwar) and the Rao Rajas of Uniara. The Rao Raja of Uniara is a descendant of Rao Dasaji—the eldest son of Naruji while the Alwar family is descended from Rao Lallaji—the second son of Naruji. A geneological table of the Uniara family is herewith attached.

APPENDIX A.

Tradition goes that the present patrimony of Uniara was in the possession of Sisodias in the 14th or 15th century, and that the ancestors of the present Rao Raja took its possession by conquest or forcible usurpations. In the last three quarters of the 17th century we find the four parganas of Kakor, Nagar, Banetta and Uniara in possession of the Uniara family.

APPENDIX B.

A list is herewith submitted of the grants made by Rao Chandra Bhan, Hari Singh, Fateh Singh and Sangram Singh and Ajeet Singh—the ancestors of the present Rao Raja of Uniara, during the period from 1625 to 1727, which shows that the Uniara family was in possession of the four parganas much earlier to the date of the alleged lease, *i.e.* 1727. All these grants are still being enjoyed by the successors in interest of the original grantees.

Rao Chandra Bhan also held important mansabs from the Mogul Emperors. Originally he enjoyed a mansab of 500 zat and 400 sowars, but it was later on increased to 700 zat and 500 sowars—(Badshahnama Vol. I P. 741 Vol. II P. 322). It is submitted that in the time of Shahjehan the Mansab of 700 zat and 500 sowars was a very important distinction that could be

conferred on a Rajput prince. Rao Chandra Bhan was also one of the important Military generals of the Mogul army. He was sent in the important Balkh and Badkshian expedition in the 9th regnal year (1636 A.D.) and was one of the Commanders of the Vanguard of the Army. He showed remarkable valour and military talents and was awarded by the Emperor an increase of Mansab in the very battlefield. (Badshahnama Vol. I P. 484-550-554). We find further reference of favours being shown to Rao Chandrabhan by the Emperor. (Badshahnama Vol. I P. 224—226.) Rao Chandra Bhan's grandson Fateh Singh was also an important mansabdar of the Mogul Court. During the life time of his grandfather he came into prominence and played an important part in the fratricidal war between the sons of Shahjehan. He was one of the generals who was sent by Aurangzeb against Shah Shuja. (Alamgir Nama P. 246).

Rao Fateh Singh died near about 1690 and was succeeded by his son Rao Sangram Singh, who also made a series of grants in Uniara, Nagar and Kakor from 1691 to 1709 A.D.

All the above facts prove to the hilt that the Uniara family was in possession of Parganas of Uniara, Nagar, Banetta and Kakor much prior to 1707—the year of the death of Aurangzeb—and that it had already come into prominence and enjoyed important military distinctions from the Emperor. Uptill the time of Rao Sangram Singh, Kakor on account of its beautiful fortress was the capital of the chiefship, but Rao Sangram Singh shifted it to Uniara, and the chiefship came to be styled by this name, just as the State of Amber acquired the new name of Jaipur, and Macheri that of Alwar—after the name of their capitals. It is highly probable that Mr. Wills is misled by the change of name. Finding no reference of Uniara Thikana in State Records of the 17th century, he has inferred the conclusion that the estate never existed. There was probably one more cause of misunderstanding. Uniara Thikana consists of five parganas, Uniara, Kakor, Nagar, Banetta and Awan. Prior to 1913 every Pargana had a tehsil of its own, but in 1913 the tehsils of Banetta and Kakor were amalgamated into one tehsil which was named after Banetta. Mr. Wills completely ignores Kakor, and does not mention it anywhere in his report. He has gone on the wrong scent. The State records of the earlier period can

throw light on Thikana Kakor and achievements of its Raos, but they are not accessible to the legal adviser of the Thikana.

Rao Sangram Singh saw the early period of the Mogul downfall. Aurangzeb died in 1707, and was succeeded by his son Bahadur Shah after the war of succession with his younger brother Azam Shah. Maharaja Jey Singh of Amber backed the wrong cause and was consequently punished by the Emperor in the shape of forfeiture of his State, which was conferred upon his younger brother Bijai Singh. At the time of the death of Aurangzeb there was an Imperial Faujdar at Jodhpur, but Maharaja Ajeet Singh ousted the Mohammedans. Bahadur Shah marched to punish the Rajputs. Amber was captured and named Islamabad. It was given to Bijai Singh, upon whom was also conferred the title of Mirza Raja; Ajeet Singh of Marwar submitted and the Rana of Udaipur was also conciliated. But the news of Kam Bakhsh's rebellion in 1708, caused the Emperor to leave Rajasthan and march towards Malwa. Soon after his departure Raja Jey Singh, Maharaja Ajeet Singh, and Rana Amar Singh of Udaipur formed a triple alliance to fight against the Moguls. Amber was recaptured, and the Muslim Fajdars of Jodhpur, Merta, and Mewat were turned out. Rao Sangram Singh also joined the general Rajput revolt and sided with Raja Jey Singh and Maharaja Ajeet Singh. The Rajputs marched towards Sambhar. "To meet this inroad Sayyed Hussain Khan Barha Fajdar at Mewat, accompanied by his younger brothers Ahmad Said Khan Fajdar of Mairta Sangalhana, and Ghairat Khan Fajdar of Narnaul, marched in all haste at the head of such troops as he could collect. As the result of his first onset, the Rajputs beat a retreat leaving their tents, standing with all their baggage. Everything fell into the hands of Sayyids." (Irwin : Later Moguls. Vol. 1 P. 69). While Sayyaid's battle drums began to beat in honour of the Victory, Rao Sangram Singh with his two thousand match lockmen still retained the field. "Enraged at this sight, Hussain Khan hurried his elephant in that direction and was followed by a small group of horsemen. The Rajputs stood on an elevation, the Sayyids drew upon the low land beneath it. As they approached it, their enemy (Rao Sangram Singh and his party) delivered a musket volley. This first discharge had been unexpectedly deadly in its effects. The Fajdar, his

two brothers, and some fifty followers, before they had even time to draw their swords, were laid low. The death of the leaders was fatal to the Mohammedans' cause. Their men already scattered and looking for plunder in the Rajput encampment or in the town of Sambhar, dispersed in every direction and sought for shelter wherever they could find it." (Irwin Vol. 1. P. 69).

The Victory was complete. Sambhar was captured and still remains a Shamlat area. Though the name of Rao Sangram Singh of Uniara is not mentioned by Irwin, who only mentions the work of a Rajput Commander, but the Rao of Uniara is specifically mentioned in Fathel Singh Champawat's History of the Jaipur State and the Jaipur old Records. The Mogul flag snatched away in the battle even today forms the property of the Thikana. Maharaja Jey Singh bestowed the village Jaisinghpura on the Rao of Uniara for his "Kansa Kharch" for his killing the Sayyids, Un No. 284. The village is still in possession of the Uniara family.

Soon after, the Emperor returned from Malwa after defeating Kam-Bukhsh. It would have been hard time for the Rajputs but the Sikhs were rising in the Punjab and a conciliation was effected with the Rajputs. When Raja Jey Singh went to pay his respects to the Emperor, he humorously remarked about Sambhar. "My Lord, we are to fight and die for the Empire in times of war, where are we to go for the salt in times of peace. This led to the formal grant of Sambhar to the Durbars, and full conciliation was effected with Rajputs in 1710. (Fateh Singh's History of Jaipur.)

But as soon as the Emperor turned his back the Rajputs were again restless, for we hear of Ramchandra Diwan of Maharaja Jey Singh's fight with Hidayat Ullah Fonjdar of Ranthambhore in 1711. (Jaipur State Records O. H. R.) The tribute that the Rajput Rajas or Zamindars—as they were styled by the Mogul Emperors—paid was still withheld. Uniara being much nearer to the fortress of Ranthambhore, where a force remained always posted became now the target of attack of the Imperialists. The Fonjdar of Ranthambhore was particularly angry with Rao Sangram Singh for his withholding of tribute which was paid by the latter to the former. Hidayat Ullah—the Fonjdar of Ranthambhore, marched against Uniara in 1710—Un. I. A. Rao Sangram Singh complained about the matter to the

Mogul authorities and stated that he was regular in payment of his taluka dues to Government officials as well as to Jagirdars and that Hidayat Ullah without any rhyme or reason wants to invade his territories. He further got ready for the battle—Un. I. A. But Hidayat Ullah continued his march and on his way to Uniara chiefship (Zamindari), he put Anand Singh Rajawat in prison—Un. I. B. Soon after we hear of Hidayat Ullah besieging the fortress of Kakor—Un. I. C. We do not know the result of Hidayat Ullah's feat. Either he was worsted or some compromise took place. It may be noted that in Un. I. B. there is a specific mention of Sangram Singh's possessing Taluqa Zemindari.

The Rajput revolt and comradeship in arms cemented the tie blood that existed between Jaipur and Uniara, and subsequently Uniara not only threw her whole lot with her liege lord, but actually sacrificed a good deal both in men and money to make Jaipur State grow into a powerful little Kingdom.

There is a document—Un. 3A—in the Jaipur State Records which mentions the name of Rao Sangram Singh among those who secured Mansab on 27 Ramzan 2nd Regal year. As the name of the Emperor is not given, it was either in 1708 or 1714. The actual rank of the Mansab is not given and if Rao Sangram Singh ever secured a Mansab of the Empire it must be in 1708 when a treaty was made between the Rajputs and the Emperor soon after the battle of Sambhar. The Persian books of History being not studied by the Legal adviser, he cannot give any further information. Anyhow it is apparent that he had assumed such importance, that inspite of being a proved enemy of the Empire it was regarded proper to conciliate him by granting a Mansab.

Rao Sangram Singh died near about 1715 and was succeeded by Rao Jeet Singh. One further thing is discovered by the scrutiny of the old State papers. In the earliest papers concerning Uniara, the title of Rao is generally prefixed with the names of members of the Uniara family—a fact which shows that the family enjoyed the distinctions of chiefs.

Such is the early history of the Uniara Thikana. The theories propounded in the report completely wipe this age and make the chiefship

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grow all of a sudden by a lease of post granted to Rao Ajeet Singh in 1727. The numerous grants made by the family in the Parganas of Kakor, Nagar, Banetta and Uniara, the title of Rao applied to members, the imperial Mansabs and Military exploits of Rao Chauder Bhan and Rao Fateh Singh, the battle and capture of Sambhar, grant of Jaisinghpura to Rao Sangram Singh of Uniara, and Hidayat Ullah's march towards Uniara and beseiging of Kakor are broad facts which have made the theories of the report as love's labour Lost.

CHAPTER IV

ZAMINDARI AND JAGIRDARS OF RAJPUTANA IN MOGUL TIMES.

It is an universally admitted fact that apart from isolated small patches of land under the direct possession of Subedar of Ajmer or of Foudars, the present Rajputana including the Jaipur State, was in possession of Rajput Chiefs and Rajas. Though the 'Ain' gives detailed statistics regarding the area and revenue of the different states and parganas of Rajputana, yet there is no historical evidence to prove that the country was ever occupied by the Moguls. William Irwin the celebrated historian observes that "the country was only indirectly governed by the Mohammedans and although in the 'Ain Akbari' that great record of Akbar's administration, the whole of it is included in some province or the other of the Empire, and its Rajas are always spoken of under the colourless name of Zamindars, the Moguls held it by little more than military occupation. The only tribute exacted seems to have been service in the Mogul army, and the only hold on the country was in the shape of the garrisons in certain towns or fortified places." Sir Alfred Lyall similarly remarks that "the authority of the Moguls..... was far less extensive and less effectual than such a state paper pretends to imply." (RAJPUTANA GAZETTEER. Vol. I. P. 45).

But Mr. Wills asserts that the Jaipur territories 'for the most part from the days of Akbar to those of Aurangzeb, were under close Mogul control.' According to him it was administratively and politically 'from 1556, when Akbar took Ajmer till after the death of Aurangzeb in 1707, mainly in Mohammedan hands.' Though Mr. Wills is not specific, yet throughout his report his arguments are based on the assumption that Jaipur territories were mostly either Badshahi Khalsa or in the possession of Muslim Jagirdars who exercised practically the same functions and powers as are exercised by Jagirdars of the Jaipur State at present with the only difference that their Jagirs were not permanent. The Muslim Jagirdars according to Mr. Wills realised rents from the cultivators, managed their Thikanas and were landholders during the period of their Jagirs.

In support of his argument Mr. Wills cites Moreland, and also gives a list of Muslim Jagirdars who possessed different pergunas of the Jaipur State in the time of Sawai Jai Singh.

Moreland while dealing with the Agrarian system of Akbar, as to how far the regulation system worked in the different provinces, writes of Ajmer, "The Mogul province of Ajmer represents generally the modern Rajputana, excluding the eastern portion, which belonged to Agra. In Akbar's time the province was heterogeneous, some parts being administered on the Regulation system, while the remainder was left in the hands of the chiefs..... Judging from the form of the statistics (of the Ain) three districts Ajmer, Ranthambhore, and Nagore, were administered mainly on regulation system." (Moreland P. 119). Mr. Moreland does not make himself clear as to what he meant by regulation system. Assuredly he does not want to suggest that these districts were Badshahi Khalsa, governed and administered by the King's officers who realised rent from the cultivators, or enjoyed local power, as the passage has been interpreted in the Report. Moreland himself puts the question, "How far local conditions were recognised inside the Regulation tracts ? Or, in other words what portions of those tracts were in fact left under the jurisdiction of the chiefs ?" He himself lays down the answer: "The data on record do not enable us to answer this question for the indications on which we have to rely are of varying value. We can say with confidence that Rajputana was largely chiefs' country, and we can discern something like a ring of chiefs round Gondwana— in the South of Allahabad and Bihar, (Regulated tract), in the west of Orrisa, in the north of Berar, and in the east of Malwa,—but as regards the heart of the empire, much uncertainty exists." (Moreland P. 122). Thus according to Moreland the regulated tracts of Ajmer province were under the jurisdiction of the chiefs, and were not Khalsa. The detailed statistics of these districts simply show that these entire districts were not in the possession of the big princes like the Rana of Mewar or the Raja of Jodhpur, but were held by semi-independent chiefs, who acknowledged the paramountcy of the Mogul Government. Thus the Sarkar of Ranthambhore contained the State of Bundi and its vassals chiefships like Indargarh etc., but it does not follow that Bundi was Badshahi Khalsa. In the Mahals or the Parganas of

Ajmer we get the name of Amber and its statistics. It is not suggested that it was Khalsa at the time of Akbar. The Sarkar or Foudari of Ranthambore consisted of "no less than seventy three Mahals or extensive fiefs, in which were comprehended not only Bundi and Kotah, and all their dependencies, but the entire State of Seopur and all the petty fiefs, south of the Bangunga, the aggregate of which now constitute the State of Amber." (Tod: Annals Vol. III P. 1505). Now all these fiefs were held by chiefs and were not Badshahi Khalsa. Uniara's existence has already been dealt with in the last chapter; it also formed a part of Sarkar Ranthambhore.

As regards the Muslim Jagirdars and Zamindars in the territories forming now part of Jaipur, it is submitted that the Mogul system of administration in Rajputana has not been properly appreciated. The Jagir system of the Moguls in Rajputana or Chiefs' country is not well understood. "As the designation implies, the essence of the system was to set aside particular items of recurring revenue for particular items of recurring expenditure, usually though invariably, the salaries, and expenses of the Imperial Service.....up to the end of the 17th century, with the exception of one short period, payment by assignment was the rule of the Mogul Empire and payment from treasury was exceptional".....Moreland Agrarian System p. 93. There were Jagirs of land as well as Jagirs of cash. In the former case the assignee was given a mahal or a pargana whose estimated rent or Government revenue was equal to his pay. He took the chance of an increase or decrease of his income due to good or bad monsoon or any other cause during the time he held the Jagir. Jagirs of cash were those assignments when the tribute or portion of the tribute of a chief, was assigned to the Jagirdar. In such a case the Jagirdar had absolutely nothing to do with the land. He was only authorised to realise so many Dams or an equivalent sum in rupees from a particular pargana. In either case it was the King's revenue—whether it was rent from the cultivator or tribute from a dependant chief that was so assigned. No confusion should be made between these two kinds of Jagirs. When a Mansabdar was assigned certain dams from a pargana, he was only entitled to realise that amount from the chief of the pargana who would deduct it from the tribute that he paid to the King. In 1574 when Nagarkot (Punjab) was captured and

treaty made with Raja Jai Chand, the ruler of that place, it was one of the stipulations of the said treaty that as the province had been given to Raja Birbal as his fief, a large sum of money should be assured to him.—(Beveridge. Akbarnama 1910 Edition Vol. 3 P. 52.) In 1577 Dastam Khan was appointed governor or subedar of Ajmer and the entire Sarkar of Ranthambhore was assigned to him as his Jagir. (Akbarnama Vol. 3 P. 295.) He was thus assigned the tribute that the Rajas of this district paid to the Royal exchequer. The proprietor or ruler or Raja, and the Jagirdar were two distinct personalities.

In Rajputana the chief's tribute was assigned by the Exchequer to different mansabdars. The legal adviser of Uniara has studied the papers of Uniara, and Panchpana Thikanas as well as the State Records concerning them and in those Thikanas it was the tribute that was so assigned and not the land. Thus a Mogul Mansabdar writes to Maharaja Sawai Jai Singh. "My nephew Shami Ullah Khan has been granted in lieu of his pay 5 lakhs 10 thousand dams from the pargana of Kakor. But he has not seen the face of a single dam as yet."—Un. B. When Hidayat Ullah marched against Rao Sangram Singh of Uniara in 1710, the latter complained that he was regular in making payments of his taluqa to the King's official as well as Jagirdar"—Un. IA. Maharaja Sawai Jai Singh in a letter addressed to Rao Ajeet Singh (who is addressed as Rajshri) writes in 1727.

"Asad Ali Khan holds Jagir of 15,36,000 dams in Uniara. His Gunmashta reports that you do not pay him the amount of the Jagir, so it is advisable for you to pay his Jagir money according to Sanad of the Emperor"—Un. 13 A. Appendix C.

Another Mogul official writes to the Dnrbar: "Sadat Ali has been holding a tankha (salary) of 4,05,000 dams in Pargana Uniara for the last four years, but Ajeet Singh Zamindar of that Pargana does not pay him anything"—Un. 27A. Un. 189 is a list of persons whose Jagir dams were taken on lease by Maharajah Jai Singh. . . Un. 8 A; a very important document coming from the State Records office, fully illustrates the system of Jagirs in Sarkar or Foujdari Ranthambhore.

CHAPTER V

"THE FOUJDARI OF RANTHAMBHORE."

The fortress of Ranthambhore occupied a key position in Rajputana. 'It, for strength and solidarity, was equal to Chitor'. (Akbarnama Vol. II P. 484.)

During the time of Akbar it was held by Rao Surjan Hara of Bundi who held the fortress as a vassal of Chitor. Akbar himself marched in person to besiege and capture the fortress in 1509, Rao Surjan Hara submitted, and the fortress passed into the Emperor's hands. There is no further account of the conquest of the interior portion and apart from the capture of the fortress no attempt was made to turn out the famous Rajput chiefs from that district. Ranthambhore was made the head-quarter of the Sarkar of that same name, and a Foujdar was appointed. This system continued till 1755 when the fortress passed into the hands of the Jaipur Durbar. As most of the district was in the possession of Bundi and the other Hara States the district was also called Haroti. (Ain, Blockman 1873 Edition—Vol. 1 P. 409.)

The Sarkar Ranthambhore in Akbar's time contained some 73 mahals or parganas whose list is given in the Ain, Vol. 1 P. 273. Its total area was 60,24, 196 bighas 11 Biswas, & its annual revenue 8,98,24, 576 dams. All the four parganas Uniara, Banetta, Kakor and Nagar formed a part of the Sarkar. (Ain. Vol. 1 page 271.) According to the Ain their total area was 1,18, 842 bighas and their total revenues 29, 61, 525 dams. The tribute of all the states of this district was realised by the Foujdar of the Sarkar. At the time of death of Aurangzeb, the Foujdari or Sarkar consisted of the following states or Zamindaries :—

1. States of Kotah, Bundi and Seopur.
2. 12 Hara Kotries i. e. Indergarh, Khatoli etc.
3. Bonli (present Thikana of Jhalai).
4. Bhagwatgarh. (present Thikana of Isarda).

5. Uniara consisting of four Parganas, Uniara, Nagar, Kekor and Banetta.
6. Numerous petty Rajawat and Hara Zamindaris.

The Rajput chiefs were not always regular in the payment of the tribute, which had come to be styled as Zoretalbi (Un. D)—probably on account of its being realised with the help of a standing army. (The word Zoretalbi is also applied to the tribute paid by good many states of Kathiawar to the state of Junagarh.) As soon as a Raja became strong enough to oppose the small army stationed at Ranthambhore he defaulted. Even in the days of Anrangzeb full amount of tribute was never realised. As far back as 1704 A.D. Sawai Jaisingh tried to take the work of the collection of the tribute on a farming basis, by paying somewhat bigger amount of money than that realised by the Foujdar and securing the right of the collection of the tribute from the numerous chiefs.—Un. D. Probably his attempt did not materialise, for we find no other reference of such farming till 1724 A. D. The position of the Foujdar grew worse after the death of Anrangzeb, owing to general Rajput revolt in the time of Bahadur Shah from 1707 to 1710. We find Hidayatullah marching against Rao Sangrausingh of Uniara and besieging Kakor in 1710 A. D.—Un. I A. ID. IC. The same chaotic condition continued in the time of Jehandarshah, Farnkhsiyar, Rafi-Ud-darjat, Rafi-ud-dowla, and Mohammad Shah. Uniara was a very obstinate defaulter and so were the other princes. In 1724 the Mogul army marched against the taluka of Salamsingh Hara to realise the tribute of his taluka Nainwa. No encounter took place. The army attacked Nagar for there was very little force of Rao Ajeetsingh at that place. The town was plundered and the tribute realised. Subsequently the army marched against Bonli-Kushalsingh's territory. (Un. 8 A. Appendix C.)

In 1725 Maharaja Sawai Jai Singh undertook to collect the tribute of the vassal chiefs of Foujdari or Sarkar Ranthambhore, and this was farmed out to him for Rs. 31,300/- by Sayyaid Hasan Khan Foujdar of Ranthambhore—Un. 9 B. It may be mentioned that it was not the Ijara post of Foujdar, but only that of the collection of the tribute from the Chiefs of the Foujdari or Sarkar of Ranthambhore. This contract does not seem to have brought any luck to Sawai Jai Singh for the Uniara family seems to have

paid only Rs. 3,756/- to him. (Un 9 A.) We come across no reference of any Ijara in 1726. In 1727 Said-u-din Khan became the Mogul Foujdar in place of Sayyaid Hasan Khan—(Un. 27 A.) He also farmed the tribute of the Foujdari *i.e.* Sarkar for 1727 and 1728 A.D. to Sawai Jai Singh for Rs. 54,000/- per annum. The lease money together with other miscellaneous amounted to Rs. 38,665/6/- (Un. 21, 22, 25.) Then we come across two very important documents among the state papers which throw considerable light upon the farming contract *i.e.* Un. 27 and 27 D. Un. 27 D (Appendix D) shows the fixed tribute or Peshkash paid by the different vassal states or chiefships of Sarkar Ranthambhore. We find that the tribute of Rao Jeet Singh of Uniara was Rs. 26,750/- per annum, while twelve Hara Kotries paid Rs. 35,500/- and Bhagwatgarh and Rathors paid Rs. 4,200/- per annum. Un. 27 (Appendix E.) is the account of the tribute actually realised from these vassal chiefs in 1727 and 1728. Thus Jeet Singh Naruka, the Chief of Uniara paid only Rs. 16687/9/- out of Rs. 53,500/- while Hara Kotries paid only Rs. 12671/9/- out of Rs. 71,000/-.

It is to be noted here that the word Peshkash is used in both the documents. While Un 27D is a list of fixed Peshkash of the state Un 27 is the account of the money actually realised out of the total Peshkash. It is submitted that the interpretation of the word Peshkash in the report is not correct. Mr. Wills while putting forward his theory that Sawai Jai Singh secured the lease of the post of the Military commandership of the fortress and that he subsequently subleased the post to the Uniara family, remarks that "these sublease payments were at first termed Peshkash—perhaps from a recollection of the fact that it was really an appointment that was being farmed."—(Wills Report P.85.) The learned author has gone on the wrong scent. When the word Peshkash is used for certain annual payments its meaning is tribute. To quote a few authorities :—

"I will continue to pay without demur to the said government (Hon'ble East India Company) as **my annual Peshkash or tribute**. 84,840 Kahms or Cowries" (Killah Kamikas' engagement (1803 A.D.) Aitchison Vol. II Page. 346.)

"The annual Peshkash payable by the Raja for his Rajgee is fixed in perpetuity at 84,840 Kahma" (Raja of Kamikas' colenama (1803 A.D.)

(Aitchison Vol. II P.348.)

"I will continue to pay, without demurr **my annual Peshkash or tribute 12000 Kahms**"...(Keorjhar's engagement and Colemania (1804 A.D.) Aitchison Vol. II P. 352-353.)

"I will continue to pay without demurr to the said government as **my annual Peshkash or tribute Rs. 3656/11/-**. (Rani Nilgiri's Engagement (1833 A.D.) Aitchison Vol. II. P. 360.)

The phrase 'annual Peshkash or tribute' has been used in the Sanads of Altigarh, Athmallick, Baramha and Baod, granted in 1894—Aitchison Vol. II P. 376-380 ; in the Sanads of Daspalla, Chenkanal, Hindal, Kansijhar, Khundpura, Morbhunj, Narsinghpur, Nayagarh, Nilgri, Pal Lahera, and Rampur, granted by the government of India to the respective chiefs in 1894 ; and in 1908. (Aitchison Vol. II chapter Bihar and Orissa. The Sanads given to the chiefs of Chang Bhakar, Korea, Jashpur, Surguja, and Udaipur in Central Provinces contained the same phrase—(Aitchison Vol. II P. 555.) The State of Kathiawar paid tribute to Junagarh or Gaikwar, and these payments are called Peshkash. It is further to be noted that in Un D the word used was Zoretalhi—a word for tribute used all over Kathiawar ever, at present.

It is apparent that Sawai Jai Singh took upon himself the work of the collection of the tribute of the vassal chief of the Sarkar or Fonjdari of Ranthambore. No proprietary or sovereign rights of any kind passed to Sawai Jai Singh by virtue of the alleged lease. The Mogul Empire was going to the dogs, and it had become well nigh impossible for the Fonjdar of sarkar Ranthambore to collect the tribute from the vassal states. The central power was weak and no army could be sent to subdue the Rajputs. The Marhatta influence was increasing by geometrical progression. Sawai Jai Singh utilised this opportunity to increase his influence as well as to reap appreciable profits. The vassal chiefs were his neighbours and some of them belonged to his clan. He had a big army at his disposal. He was the governor of Agra, and Malwa. He could easily collect the tribute from these States. The amount that he paid to the Fonjdar was only Rs. 34,000/- while he hoped to collect at least as much as Rs. 94,758/- from the chiefs—(Un 27D)—and thus made an appreciable profit.

The lease of the collection of the tribute of Fajjdari came to an end in 1728 but Sewai Jai Singh again took the lease for three years in 1729, and at an increased amount. He now paid Rs. 38,000/- as the lease money and Rs. 4696/8/- for other expenses per annum to Nawab Sayid-Uddin-Khan, Fajjdari of Ranthambhore—Un 60 A—74 A—80 C. At the expiry of the term of three years in 1732, the lease was renewed again for three years, and this time again at an increased figure. The lease amount of Rs. 38,000/- per annum was increased to Rs. 42,000/- per annum, the other expenses also going to the figure of Rs. 5,427/12/-....Un 80 C. It seems that the collection affair had grown to be a paying proposition. The vassal chiefs were now coming round probably on account of the approaching danger of the Marhattas. Un 80C further mentions the fact that other persons were offering even higher amount for this business to Nawab Sayid-Uddin-Khan the Fajjdari of Ranthambhore, and it was on account of Jagram's persuasion and influence that he agreed to this figure. In 1734 the expenses went up to 7,543/12/- and we find Rs. 49,543/12/- being paid to Nawab Said-Uddin-Khan in that year—Un 86A. 86B. This amount remained constant in 1735—Un 92A.—and in 1736—Un 103A. In 1737 the lease of the collection of the Fajjdari was again renewed by Nawab Sayid-Uddin-Khan but a reduction was made in the amount of expenses—the total annual amount being now fixed at Rs. 49,043/8/- Un 109A. The figure remained constant in 1738 Un 116A.

Though no further papers concerning the renewal of the lease are forthcoming, yet it may be inferred that Sawai Jai Singh till his death acted as an agent of the Fajjdari of Ranthambhore for the collection of the tribute of the vassal chiefs. After his death Fratricidal war began between his two sons Ishwari Singh and Madho Singh. Ishwari Singh ascended the throne by the right of primogeniture while Madho Singh contested his right on the basis of the Triple entente between Jaipur, Jodhpur and Udaipur. Ishwari Singh in 1747 was sent against Abdalli. As a price of his support he demanded the fortress of Ranthambhore along with the right of the collection of the tribute of the Sarkar, but his demand was refused. In 1750 Ishwari Singh committed suicide and Madho Singh ascended on the Gaddi of Jaipur. In 1755 the Emperor Ahmadshah conferred the fortress on Madho Singh. Thus the Jaipur State acquired a formal right in its own name to collect the tribute from the

vassal chiefs of Sarkar Ranthambhore (Aitchison Vol. III. P. 337.) Uniara and twelve Hara Kotries came into the orbit of Jaipur. A right was claimed over the neighbouring States of Bundi and Kotah, but it was never exercised. By the transfer of Ranthambhore to Jaipur, Uniara became a vassal State of Jaipur. In this connection a note on Kotah Kotries in Aitchison's Treaties Vol. III at P. 337 throws a flood of light on the present controversy. "The Kotah State pays a tribute of Rs. 14,397/13/- to Jaipur for certain fiefs or Kotries. These fiefs were originally assigned by and subject to Bundi, to whom the adjacent fortress of Ranthambhore also belonged. When Ranthambhore was made over to the Emperor of Delhi, the annual payments were exacted from the holders of the fiefs in return for the protection afforded them by the fort. About 1760 the Governor of Ranthambhore, rather than let it fall into the hands of Marhattas, made it over as a trust to Jaipur, who claimed a continuance of the payments." It is admitted by the State as well as proved by Un 27 D that Uniara enjoyed the same status as that enjoyed by these Hara Kotries i. e. Indergarh, Khatauli etc. in 1727. Tribute or price of protection paid to the Mogul Foujdar of Ranthambhore was transferred to Jaipur but the sovereign rights of the Chiefship were not at all affected by this transfer.

But the entire tribute which Uniara had to pay to the Mogul Government was not payable to the Foujdar of Ranthambhore. Some of it was assigned in Jagir to different Jagirdars. The tribute that was so assigned was paid to Jagirdars while the balance was paid to the Foujdar. We get mention of other payments being made by Jaipur to the Amin Paibaqi for farming of Paibaqi dains or dains of Vajah Kharach. Un. 82, 83, 84A, 85A. 16B. The legal advisor could not find out as to what the Paibaqi or Vajah Kharch actually means. As the original contracts or agreements by which the collection of the tribute of the Mahals of Foujdari was entrusted to Jaipur are not in the Jaipur State Records, at least they are not in the documents which have been shown to the legal advisor, no distinction can be drawn between the tribute paid to Amin Paibaqi and that paid to Foujdar of Sarkar. Paibaqi payments were realised by the King's officials, and it seems that Paibaqi and the tribute payable to the Foujdar were

identical or one and the same thing. The Jaipur State papers Un 84A, 85A, 116A, show that the part of the tribute payable by the chiefs was assigned to the various Jagirdars, while the balance was realised by the Amin Paibaqi. The Foujdar was the administrative head while Amin Paibaqi was his treasurer. The terms of the contracts were settled with the Foujdar, and the grants executed by Amin Paibaqi. We find a lot of grants issued by Amin Paibaqi but not a single grant by the Foujdar. In the absence of further historical material this seems to be the only probable explanation, Paibaqi has no connection with the reserved crown lands so far as the chiefship of Uniara is concerned. Not a single inch of crown land can be pointed out in the area of the Uniara Thikana. The disparity in the amounts mentioned in 85A and 116A, and the amount paid for Foujdari amount was for 73 Parganas, the amount mentioned in 85 A and 116 A covers only seven or eight parganas. Sawai Jai Singh took the farm of the entire collection of the King's tribute from Uniara. A greater portion was included in the farm of the Foujdari collection while the rest was taken by him in various Ijaras from individual Jagirdars.

We come across a list of names of Muslim Jagirdars who used to get Jagir dams from Uniara chiefship, Un. 11,27A-27B,29,30,80C,92C,189. These Jagirdars living in far off places found it difficult to realise their Jagir amount from the Uniara family, especially when the central power was weakened and there was little control over the Rajputs. "The unpopularity of the assignments is a familiar topic in the chornicle written by Khwafi Khan shortly after Aurangzeb's death.....Now a days he says in effect, perhaps one or two in a hundred of the wretched assignees may get a morsel of bread from their assignments, but the rest were starving mendicants, while those **who were nominally on the cash roll may possibly receive their pay for a year or two at the most.**" (Moreland: Agrarian System P. 150.) Khwefi Khan is speaking of the assignments in general, but the condition of the assignees was worse in the Rajputana. The Uniara family was the worst defaulter, and we come across numerous complaints of the Jagirdars complaining about the non-payment of the Jagir dams by Uniara. Thus a Mogul Mansabdar writes to Maharaja Sawai Jai Singh, "my nephew Sham Ullah Khan has been granted in lieu of his pay 5 lacs, 10 thousand dams from the

with the Jagir amount in dams which they were to get from Uniara. There are more Jagir papers and the fact that these papers are coming from the State custody prove that these Jagirdars also leased their Jagir amount to Sawai Jai Singh.

Sometimes Sawai Jai Singh adopted another policy. He got his own servants appointed as collecting agents of the Jagirdars, and thus became an intermediary between the Jagirdars and the Uniara Chiefship. In 1732 he got his Mutsaddis Nathoo Ram and Monji Ram appointed as agents and treasurers of some Jagirdar—Un 35. Probably this explains the words 'Amanat Desh', which occurs in the language of the receipt given to Uniara chiefship prior to 1735.

Thus by acting as a tribute collecting agent of the Fajjdar of Sarkar Ranthambhore, and the Jagirdars to whom the tribute was now and then assigned, Sawai Jai Singh became the virtual over-lord of Uniara. Uniara chiefship was cut off from the Mogul Emperor and his officials. The tribute that was formerly realised by the Mogul Fajjdar and Mansabdars, was realised by Sawai Jai Singh though he was only an agent of the Fajjdar or Jagirdars. With the advancing doom of the Mogul Empire the Jagirdars vanished or could not claim any sanction for realising their Jagir dams from the Jaipur Durbar. The fortress of Ranthambhore along with the right to collect the tribute from the vassal state was formally bestowed upon Maharaja Madho Singh by the Emperor Ahmed Shah in 1755.

The fact ought to be carefully kept in mind that in all the official papers in the custody of the Diwani Hazari Department, we come across the reference of Paibaqi, and Jagir dams, but not a single reference of Paibaqi or Jagir lands or villages. An attempt may be made to suggest that Sawai Jai Singh took the lease of the Jagir land and the Khalsa area-as Paibadi is interpreted. The nature of Ijaras has been fully dealt with earlier. Uniara's early history and the historical achievements of its Raos in the 17th century have been submitted in Chapter III. This together with the absence of the mention of land or villages in connection with Jagir or Paibaqi negative such an interpretation.

Such is the history of the early relationship of the Uniara family with the Jaipur State.

POLITICAL STATUS OF UNIARA

As for the settlement of the Peshkash or tribute, it was originally Rs. 26,750/- in 1727 A. D., and it seems that it was the sum that was paid at the head quarters of the Sarkar Ranthambhore. Un 27, 27D. It should be regarded as the basic assessment of the tribute to be paid by the chiefship. In 1730 it was raised by Rs. 6000/- out of which Rs. 3000/- were claimed for Suledari i. e. to be paid to the Subedar of Ajmer and Rs. 3000/- for incurring additional military expenditure for the protection of the Uniara chiefship. The Mogul empire was tottering and the Marhatta menace was increasing by geometrical progression. Malwa, the centre of the Marhatta activities at that time, was close to the Uniara Pargana. This figure of 32,750/- remained constant for many years. It was always termed Peshkash Unara for Fajjdari Ranthambhore Suba Ajmere. Sometimes for the sake of brevity it was styled as Peshkash Suba Fajjdari Un 78. or Peshkash Suba—Un 1,95,220. It was Peshkash or tribute in the beginning and continues to be so till today.

CHAPTER VI (A)

THE AWAN TALUKA AND SUROLI

The Awan Taluka passed in to the possession of the Uniara family in a rather interesting way. It formed part of the Parganas Todarai Singh in the early part of the 18th century. The whole Pargana was occupied by good many Rajput Zamindars, Thakurs or petty chiefs who used to pay the tribute or the revenue either to the Mogul Fojdarat Ranthambhore or to the Jagirdars to whom such a tribute was assigned.

With the death of Aurangzeb, Rajputana became a scene of disorder and chaos. The turbulent spirit of the martial race could no longer be kept under control. The central authority was far off. 'Hanoz Delhi Door Ast' i.e. Delhi is far off. Ajmer the head quarter of the Muslim Subedar became itself a zoo of the different subedars, each one of whom claimed a right to subedari. The entire system collapsed and the Government disappeared from this part of the country. Todarai Singh being situated on the borders of Malwa, was a hunting ground of rival Rajput chiefs who were always quarrelling, and fighting with each other. In the 18th century the title on paper had completely disappeared, and the orders and grants of the Mogal Emperors or the provincial subedars had lost all force or prestige. They were now no better than mere scraps of paper. "Energetic man," as Moreland remarks, "preferred a title resting on force to one which was based on paper, and in the course of the 18th century the talaq or dependency came to take the place of the assignment as the most prominent agrarian system. The 18th century was thus a period when de facto the possession came to count for much more than the title." (Moreland—Agrarian system of Moslem India P.153.) The various petty thakurs, chiefs or adventurers, who carved small chiefships or principalities were all competing with one another in a struggle for territorial position and revenue. "Rights to receive the revenues could still be granted by the emperor, but the power of the Empire could not enforce his

orders and the right might often be given to whosoever had secured possession by force." (Moreland Agrarian system P. 155.)

As no complete history of the petty chiefs or thakurs who inhabited or occupied the pargana of Todarai Singh is available, he legal adviser cannot submit the names of all such Zamindars or thakurs, who held their taluqas in this pargana. But in the Jaipur State papers Uniara section, we come across numerous such Thakurs. Salem Singh Hada was occupying the taluqa of Awan-Un. No. 37, 41-60. There were Sultanate and Gopalate Rajput Chieftains, Un. 46. Bag Singh, Badan Singh and Teja Singh held a Taluqa consisting of Bhasu and 15 villages, Un 52. Sanwat Singh Narooka had the Taluqa of Kauwara, Jarkho, and other villages Un. 109, 115, 127, 144. Some Nathawat also tried to capture some portion of the area-Un-147, but our information is incomplete on the point.

All these petty taluqa holders needed local support from a close neighbour. They were glad to pay the tribute that they paid formerly to the Mogul Foudar or the Mogul Jagirdars to whom-soever who afforded them protection. The money that was so paid was not only for the purpose of protection, but was also by way of blackmail, for not disturbing them. The money was paid not for the benefits of any rule, but for the absence of rule. "Pay me the King's share or I desolate the village". (Moreland-Agrarian System P. 172.) This was the back ground of the picture in which the ancestors of the present Rao Raja of Uniara played not an insignificant part.

In 1727 Maharaja Sawai Jai Singh obtained a lease of 1,13,70,174 dams of the Jagir of Mohammed Khan and Abdul Salam, which they realised from the Zamindars or the thakurs of Todarai Singh—Un. 12,13,17. Maharaja Sawai Jaisingh was on the way of extending his state into a big Raj. The assignees or Jagirdars of his time as already explained were not getting anything from their assignments. They could easily give the theka for realising their Jagir amounts for a very nominal figure, which for Sawai Jai Singh meant a formal sanction for realising his territorial ambitions. The Uniara family became one of the important instrument for extending the sway of Sawai Jai Singh in this portion of the country. The close intimacy between Maharaja Jai Singh and Rao Sangram Singh has already been dealt with in the earlier chapters. After taking the lease of the Jagir-

dams of the Muslim Jagirdars, Maharaja Sawai Jai Singh made a grant of the entire pargana to Rao Ajeet Singh, Kesri Singh and Harnath Singh. The grant not only conferred full proprietary rights (Zamindari) but also provided that the grantees would have all the watan rights in the grant. Un. 41. By it far more was granted than what Sawai Jai Singh actually possessed. Maharaja Sawai Jaisingh was only a lessee of the Jagirs which by their very nature were temporary. Jagirs were in lieu of the service and they lapsed to the crown as soon as the Jagirdar was dismissed from the post or died. Even when he was in service his Jagir was nothing but a temporary right to collect the revenue from the Rajput thakurs or landlords during the term of the Jagir. The Jagirdar could claim no rights over the soil. Sawai Jai Singh never acquired any proprietary rights over the Pargana but by virtue of the grant he conferred its Zamindari by way of Watan on the grantees. This explains that the farming of the Jagirs of the Muslim Mansabdars was only a formal cloak for his territorial aggrandisements. As already submitted there were good many big Zamindars in the Pargana, but the Parwana safely ignores it. The Roman Pope gave the entire world to the Spanish and the Portuguese. Maharaja Sawai Jai Singh followed the precedent at only a modest scale. No possession of the Pargana could be given to the Rao. It was for him to acquire the possession by force of his arms. He was given a formal though illegal sanction to occupy the Pargana, turn out the thakurs or force them to pay the tribute or a share of the revenue of their talukas. The Pargana of Todaraisingh was closely situated to the patrimony of the Uniara family. The Uniara chief possessed considerable influence and powers in that part of the country.

But the grant proved abortive. The Thakurs or Rajput Zamindars could not be brought under subjugation. Some of them, it seems, never acknowledged the supremacy of Uniara-Un. 52; while a few paid the revenues for a year or two and then discontinued. Chaos and confusion reigned supreme, and it is well nigh impossible for a historian to trace any system in that chaos. Might was right and the thakurs were continually fighting among themselves or with their neighbours. Whoever proved stronger, got the upper hand. In 1730, Salam Singh Hada took possession of the village Bamangaun of the Pargana Uniara, and Rao Jeetsingh

by way of retaliation forcibly usurped Kanwara, Thikria, and Dhikli, which formed a part of Salamsingh's taluka. There was no central or local authority to enforce obedience or administer even crude justice. Maharaja Sawai Jai Singh recognised the fact of forcible exchange of the villages and issued a Khas Mohur Parwana dated Asoj Sud 3, S. 1787 (1730 A.D.) Un. 60., by which he purported to grant the above three villages in Zamindari watan with full proprietary rights to Rao Jeet Singh. The wordings of the grant throw light on the transaction." Salam Singh has forcibly taken possession of Bamangaon of Pargana Uniara, which is your taluqa. We have pressed Salam Singh for giving you back this village. In lieu of this village we grant you Kanwara, Tikeria, Dhikli Pargana Todaraisingh, which were included in the taluqa of Salim Singh by way of Zamindari watan. The grant is to be operative after he (Salam Singh) is dispossessed of these villages". It is remarkable that the grant does not mention the payment of any rent, revenue, peshkash or tribute. After 1728 (S. 1785) we do not hear of the old grant of Todaraisingh, nor do we ever come across any document by which the full amount of Rs. 2/- lacs annually was ever paid to Jaipur. It seems the taluka of Uniara family in Todaraisingh Pargana was ever changing. Sometimes some villages came into their hands, sometimes the old taluka was lost, and additional villages usurped. Thus the Narukas twice gained and twice lost possession of the villages Titro-Ghadoli-Khedla-Bhansu etc. Un. 144-147. The Uniara family took possession of these villages, but the Nathawats turned them out. The Narukas again recovered and again lost them in the same way.

This seems to have continued till 1749, when the Khas Mohur Parwana was issued by Maharaja Sawai Ishwarsingh Un. 208. The Thikana, possession of Awan and twelve villages at that time were confirmed and, the thirteen villages were granted by way of Watan at a quite annual payment i. e. at Ijara Istannrar. The Khas Mohur Parwana does not give a list of the villages which were the subject matter of the grant, which shows that no additional villages, were granted, but that only existing possession was recognised and confirmed. The grantee knew what villages he possessed. The Parwana further lays down that the Rao Raja was to pay the customary revenue, which further proves that it was not a fresh grant.

This document Un. 208 specifies the nature of the title enjoyed by the Uniara family in the Awan Taluka. The grant specifically lays down that the grantee was to have the same rights in the villages of this taluka as he enjoyed in his watan i. e. Nagar, Banetta, Uniara and Kakor. "Gaonthane Istamraree Watanjoon Bakhshya Chai". It is a matter of every day practice that when a Pargana or ilaqa is granted to the a sovereign or semi-sovereign chief, instead of specifying the rights of the grantee in the subject matter of the grant, it is provided that the grantee will have the same rights in the new Pargana, which he enjoys in his patrimony. Thus when the Pargana Kanodh was granted to the Maharaja of Patiala by the sanad of 1861 it was specifically provided that "the Maharajah and his successors will exercise the same rights, privileges and prerogatives in those newly acquired territories as His Highness at present enjoys in his ancestral possession"—(Aitchinson Vol. I. p. 166). Similar language is used in the Sanads granted to the rulers of Jhind and Nabha for the Pargana Boodwanah.—(Aitchinson Vol. I. p. 265, 299). The Jaipur Durbar also enjoys the same sovereign rights in the Pargana Kotkasim as he enjoys in Jaipur State proper. Whatever may be the source of the title *i.e.* the conquest or the grant, no distinction can be made now between the rights that the Rao Raja enjoys in Uniara and in the Awan Taluka.

It may be argued that the Parwana does not specify the names of Uniara Nagar, Benetta and Kakor, but it is not suggested that the Parganas were not the original patrimony or Watan of Rao Rajas of Uniara, or that some other area was such Watan. In the report itself the word "Watan" is translated as patrimony—Wills report p. 8. No twisting of words can change the legal position of Uniara family in the Awan Taluka.

In 1751 a fresh Parwana was issued by Maharaja Madho Singh to Rao Sardar Singh, conferring the old possession of the Awan Taluka. Un. 211. It seems that at that time the Uriara family had secured possession of two more villages, for the Qabuliyat executed by Rao Sardar Singh put the number of villages as fifteen, instead of thirteen Un 213. These fifteen villages have continuously been in the possession of the Uniara family till today and the family has been exercising the same semi-sovereign rights in the Taluka which it enjoys in its original Watan.

CHAPTER VI (B)

SUROLI

During the course of arguments attention of the legal adviser was drawn towards the tenure of the Suroli taluqa in Banetta Pargana. Though the Thikana papers have not been inspected by the legal adviser on account of the short time at his disposal, yet the State records throw some feeble light on the nature of the tenure of Rao Raja Sahib of Uniara.

It seems that during the early part of the 18th century the Suroli taluka formed a part of the Pargana Sarsop, and the tribute of this taluka was paid separately from that of Uniara, Nagar, Benetta and Kakor. The Suroli taluka seems to have been in possession of Uniara, since times immemorial, for the earliest records of Jaipur show it being possessed by that family. Un. 4A. In 1711, the tribute of the Pargana Sarsop was assigned to Maharaja Sawai Jai Singh,—Un 2 and 3. The tribute paid by Rao Sangram Singh of Uniara for the Suroli taluka was 5,00,000 dams, out of a total 18,00,000 dams for the whole Pargana of Sarsop.

Maharaja Sawai Jai Singh lost the tribute of the Jagir of Sasop but subsequently got himself appointed as an agent of the Foujdar of Ranthambhore for the collection of the tribute from the chiefs of the Sarkar. At this time the tribute payable by the Uniara family for the Suroli taluka was converted and established in Rupees and was fixed at Rs. 1,435/- (Un. 36). As the parganas of Nagar, Uniara, Banetta and Kakor, and the Taluqa of Suroli were all held by the Rao Rajas of Uniara on the same tenure *i.e.* vassalage and payment of the fixed tribute, the amalgamated and the entire payment was termed as Peshkash, or Suba Peshkash, or mamlat. Awan was assessed separately on account of historical reasons.

There are two Qaboolyats of one Kushal Singh alleged to be surety of Rao Ajeet Singh both dated 1730,—Un 64, 71, in which the word Ijara is used by the surety for the tenure of Suroli. But as the possession of these taluqas has been with Uniara from earlier times *i.e.* 1717 (Un. 4A.).

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and as no Qabooliyat of any Rao Raja, or any official copy of any grant for this pargana is forthcoming from the State records, these Qabooliyats are not a trustworthy guide for finding out the tenure of Rao Raja of Uniara in the Suroli Taluka. At best it is an admission of a third party, which in no way binds the Uniara chiefship and is totally inadmissible in evidence. It is therefore submitted that the Uniara family has got the same status in Suroli as it enjoys in the parganas of Uniara, Nagar, Banetta and Kakor. Throughout the last two centuries no distinction has been maintained between the two.

CHAPTER VII

RESULTS OF UNIARA'S CONNECTION WITH JAIPUR.

1727 to 1750

The early years of Uniara's connection with Jaipur were fruitful to the parties. To the chiefship of Uniara it meant peace and freedom from foreign invasion. To Jaipur the chiefship became an important instrument of carrying out Sawai Jai Singh's deep-laid policy of territorial extension. As already submitted the central authority had become weak and powerless. The Empire had become a shadow of its former glory. It was only on account of the old prestige of Akbar and Shahjehan that it was working. The Marhatta raids deprived it of its prestige and there it lay a dead horse. Malwa was the first target of attack of the Marhatta forces. Girdhar Bahadur, the Subedar of Malwa 1722-1728, was defeated and killed by Chimanji the younger brother of Peshwa Bajirao in 1728. His cousin Daya Bahadur, who succeeded him to the post, met with the same fate. Sarkar : Fall of the Mogul Empire V. I. P. 243. Mohammad Khan Bangash, the next Governor, was equally unsuccessful in checking the tide of the Marhattas. In 1732 Sawai Jai Singh became the Viceroy, and appointed Bajirao as his deputy and thus Malwa became a part of the Marhatta dominions. Though Sawai Jai Singh was an important Mansabdar of the Empire and his early rise was due to the favours shown to him by Mohammad Shah, yet he was too astute an administrator and too clever a politician to throw his lot with the dying cause. The star of the Marhattas was on the ascendant and he made them his ally, and secretly helped them. He actually called Bajirao the Marhatta leader into Malwa—(Irwin Later Moghuls Vol. II P. 244). In 1731 when Rao Sahib Nandlal an Empire official turned out a traitor at the instigation of Sawai Jai Singh and helped the Marhattas in inflicting a crushing defeat on the Imperial forces, Maharaja Jai Singh congratulated Nandlal warmly on this result : "You have defended our religion in Malwa and crushed the Musalmans, establishing Dharma you have fulfilled my desire."—Irwin Later Moghuls. Vol. II p. 248. In 1733-34

Thus the Marhattas came up to the very southern boundary of Uniara Chiefship. The Jaipur connection provided to Uniara a wonderful protection from the Marhatta aggression. The Marhattas were the friends of Sawai Jaisingh. While all the neighbouring States and territories were plundered and devastated, territories of Jaipur and its vassals were not touched. Amidst famine and devastation Jaipur was flourishing. Bajirao thus wrote to his brother

Chimanji: "Sawaiji has also sent us friendly letters requesting us to leave his territory undisturbed.....we do not disturb his territory as we expect to get supplies of grain and fodder from Sawaiji on our way"..... (Wills' Report P.12). The chiefship of Uniara enjoyed the protection from the Marhatta raids on account of the Jaipur connection, and for this very reason it was glad to pay to the Maharaja the fixed quota of tribute that it formerly paid, though spasmodically, to the Moghul Fonjdar at Ranthambhore. Little was it known at that time that Sawai Jaisingh was all along nursing a reptile and that the Marhattas would be a constant drain on the resources of Jaipur in the time of his successors and that Uniara would be the worse sufferer. That history forms the subject of the next chapter.

Apart from the Marhatta menace there were other appreciable benefits from Uniara's accepting the vassalage of the Jaipur Durbar. Sawai Jaisingh was the master of a compact and flourishing state, which together with its vassals was much bigger than the present area of the Jaipur State. While Bundi had become a vassal of Jaipur, its rightful ruler passing his days in exile, while Mewar and Kotah were being sacked and plundered by the Marhttas, while Jodhpur was in the grip of a civil war, Jaipur State was daily growing powerful and flourishing. Jaipur's support was always required while its enmity was to be avoided. Uniara also gained other material advantages. It became an instrument of Sawai Jaisingh in extending and consolidating his State, and thus naturally expected a great extension of its territories. Rather this was the chief temptation. Sawai Jaisingh could not grant it legal title to any area or give it its possession. But the passive connivance of the Maharaja coupled with a paper grant from him could be utilized by Uniara in case it had sufficient force to take possession of the neighbouring territories.

In 1730 Maharaja Sawai Jai Singh made a grant of the Pargana Toda rai Singh to Rao Jeet Singh, along with Kesari Singh and Harnath Singh by a Khas Mohr Parwana dated Asoj Budi 7, St. 1785 by way of Zamindari and Watan, at a quite annual payment of Rs. 2 Lakhs. In 1731 Diah and other 5 villages in the Pargana Tonk were similarly conferred upon Rao Jeet Singh Naruka, by a Khas Mohr Parwana of Jeth S. 14, St. 1788. The Rao of Uniara of course could not establish his control over Toda Pargana

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and only the present Awan Taluka could pass under the jurisdiction of the chiefship. In Diah and other villages it took much time before the possession could be secured. It was always expected that the Uniara chief would construct fortresses at the places of grant so that the surrounding neighbourhood might be brought under control. The reasons are obvious. In 1735 we find a Parwana of a Diwan Naraindas, Fatehram dated Baisakh B. 12, S. 1792 confirming the old grant of Diah Taluka and pressing for early construction of a fortress and posting a thana-Police and a Military post—at that place. Balera and other eight villages of Pargana Barwara which were at that time in the possession of the Rathors were similarly granted in Watan with all mal, sayer and Bhom rights to Rao Jeet Singh. (Khas Mohr Parwana dated Jeth Budi 3, S. 1793) and Parwana dated Jeth Sudi 1, S. 1793; Un. 92C, 101A, 101,100. The Rao was directed to oust the Rathors and pay the same amount of Mamlat that was formerly paid by them. In 1739 the taluka Bambhor consisting of 14 villages in the Pargana Tonk was granted to K. Sardar Singh son of Rao Jeet Singh of Uniara by way of Watan (Khas Parwana dated Mah Sudi 5, S. 1796.) There were other lots of petty grants. Every year some Pargana or the other was given over to the Uniara family. Had all these territories passed in to the possession of Uniara, the chiefship's present area and importance would not have been less than that of the State of Tonk or Kotah. But as already submitted the grants were mere scraps of paper. Only a strong man, who could oust the chiefs occupying those Parganas, could secure the possession. There was neither legality nor sanction attached with them. The nature of such grants has been fully dealt with in the last chapter. Suffice it to say that apart from Awan, Bhambhore and Diah talukas, the ancestors of the present Rao Raja of Uniara either never secured the possession or lost it after a very short period. The Awan taluka is still in the possession of the Uniara family, the two other talukas came under the jurisdiction of the newly founded state of Tonk, and were taken possession of by Amir Khan.

Maharaja Sawai Jai Singh was not the less benefitted by securing the chiefship of Uniara as his vassal. It was the Rao Raja of Uniara who was an instrument in increasing the Jaipur influence and the Jaipur territories south

of Chatsu. The chiefship possessed a good military force and its help was always required not only in conquering and occupying further territories but also in fighting against the enemies. "War is the only profession for which the Rajput gentleman and noble is fitted by character, tradition and training; and land is the only possession that can give him a life of honour and comfort." (Sarkar fall of Moghul Empire Vol. I p. 236). The Narukas of Uniara could act as a good fighting force. As Mr. Wills has aptly remarked Sawai Jai Singh was guided by materialistic principles. We may go further and say that all Emperors and National heroes who established big empires and kingdoms were guided by the same principles. Sawai Jai Singh was no exception to the general rule. He did in a modest way what others did on a gigantic scale. "The Imperial Government of Delhi had held together and protected all the feudatory states of India. But when the Emperor became a lifeless shadow confined within the Harem, when the Wazir's sole pursuit was pleasure varied only by the contests with his court rivals, this unifying bond and common controlling authority was dissolved. No superior power was left to enforce the lawful rights and prevent ambitious conflicts between one vassal state and another, one prince and another of the same royal house. All the pent up personal ambitions and inter-state rivalries, which the strong hand of the paramount power at Delhi, from Akbar to Bahadur Shah had repressed for a century and a half now burst forth without fear or check. And Rajputana became a zoological garden with the barriers of the cages thrown open and the keepers removed." (Sarkar fall of Moghul Empire Vol: I p. 235.) Here was the opportunity for Sawai Jai Singh to extend his territories, and to force the neighbouring States to accept his vassalage. "He therefore determined to seize upon all the districts on his frontiers within his grasp, and moreover to compel the services of the chieftains who served under his banner as lieutenants of the king." (Tod. Coronation Edition p. 700).

In 1729 Maharaja Sawai Jai Singh ousted Rao Budh Singh—the ruler of Boondi and gave the throne of Boondi to Daul Singh, the second son of Salam Singh Hada of Karwar on condition of his acknowledging the house of Jaipur as his overlord. (Sarkar Fall of the Moghul Empire Vol. I p. 240-250. Tod. Vol. III p. 1498.) Salam Singh Hada was holding a petty

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chiefship of Karwar, which paid tribute to the Foudar at Ranthambhore. By the lease of the collection of the tribute, it had also become a vassal of Jaipur like Uniara. Such was the great attachment between Jaipur and Uniara that Bai Singar Kunwar, grand daughter of Rao Ajeet Singh (daughter of K Sardar Singh) was married to Rao Raja Dalel Singh of Boondi. Her marriage seems to have been performed by Maharaja Jai Singh, for till the last moments of her life, she was paid a handsome allowance by the Jaipur State.—Un. 267 A. Col. Tod and Sir Jadunath Sarkar refer to the marriage of Sawai Jai Singh's daughter with Bundi Chief. The mistake is probably due to the fact that the princess was adopted by the Maharaja as his own daughter and married as such. In 1730 Sarbuland Khan the ex-Governor of Gujrat while on his way from Gujrat to Agra passed through the territories of Amber plundering and devastating the country. Jeet Singh Naruka was requested by the Maharaja to proceed immediately to Jaipur to defend the place. (Khas Parwana dated Mangsar Sudi 14. S. 1787).

In 1731 Uniara forces were required to go to Karauli (Dayaram's letter dated Asarh B. 2 S. 1788; Diwan Rai Naraindas's letter dated Sawan B. 13 and Khas Parwana of Sawan B. 13 S. 1788). The language of Parwana dated Asarh B. 2 S. 1788 throws some light on the nature of the Uniara's relationship. Rao Jeet Singh is styled as Maharaja Shri Rao Jeet Singh. In the end runs the remarkable passage "ब्रह्महृद एक ही है कहीं बात की दुजाएगी न जानियेगा" *i.e.* we are one, Don't think that there is any difference between us" The collection of the tribute had only just begun. In April 1734 Uniara forces again marched against Bundi (Khas Parwana Jeth B. 14 S. 1791.) In 1734 Mulhar Rao Holkar and Ranoji Scindia who had been engaged by Budh Singh's queen to reinstate her husband on the throne of Bundi at a price of 6 lakhs of rupees, attacked Bundi. The fort was captured and Salim Singh, the regent, was carried away as prisoner by the Marhattas. (Sarkar : Fall of Moghul Empire p. 251-252.) But soon after the Jaipur force of 20,000 strong, came and restored Dalel Singh at Bundi. The Uniara forces played a very important part in the capture of the fortress.

The Uniara forces were again required in 1739 though the purpose cannot be discovered either by the Khas Mohr Parwana or by any historical.

authority (Khas Parwana dated Magh. B. 13 S. 1796). Rao Jeet Singh died in 1740 A. D. and Maharaja Jai Singh in 1743, and were succeeded by their sons Rao Sardar Singh and Maharaja Ishri Singh respectively. Sawai Jai Singh left an extensive, compact and flourishing state. He had captured Rajore, Barwara, Manoharpur, Khandela and other neighbouring territories. The chiefs of Karauli, Thun (Bharatpur), Uniara, Indergarh, Khatoli, Bundi had become his vassals. The treasury was full and a matter of envy. There was a standing army of 20,000. the Jaipur State enjoyed peace at home and glory abroad. It is no use here narrating the history of his successor Maharaja Ishwari Singh, which was nothing but a continual fratricidal quarrel with his younger brother Madho Singh who claimed the succession on the basis of his mother's marriage settlement. During the time of Sawai Ishwari Singh, the Uniara army was always required for one purpose or an other. In 1743, soon after Sawai Jai Singh's death, the Rathors created trouble in Ajmer and Sardar Singh was invited by the Maharaja to join him in crushing them. But it seems that there was some trouble in Toda, which was occupied by a lot of petty chiefs, whom the Uniara family wanted to oust, and Sardar Singh could not join the Maharaja in person.....Parwana dated Kartik S. 6 1800 Phagun B. 5 S. 1800; Khas Parwanas dated Kartik Budi 13, S. 1800, and Mah. S. 10. S. 1800. Trouble also arose in Barwara, but it was quelled by the Jaipur and Uniara forces (Khas Parwana Asarh. S.9, S. 1801. Bundi again became the centre of strife. K. Jaswant Singh was immediately sent with a good force and Rao Sardar Singh himself marched to that place for the protection of the fort of Bundi. (Khas Parwanas dated 2nd Asarh B. 12, S. 1801. Sawan S. 5 S. 1802, Bhadwa B. 9 S. 1802. Parwana dated Sawan S. 5 S. 1802). Then came the battle of Raj Mahal in which Sawai Ishri Singh inflicted a crushing defeat on the combined forces of Khande Rao Holkar, Durjansal Hada of Kotah, and Maharaja of Mewar. The centre of warfare was now in the very chiefship, Raj Mahal being in pargana Toda Rai Singh granted to Rao Ajeet Singh by the Khas. Mohr Parwana of Asoj B. 7 S. 1785.

All this warfare cemented the ties of blood and vassalage and Uniara threw her lot completely with the Jaipur State. The Empire was

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forgotten. But it was all before a great storm. The seeds of future destruction had been sown, and were about to grow. Sawai Jai Singh "had in his life time given an appanage unusually large to Madho Singh viz., the four parganas of Tonk, Ramapura, Phaggi and Malpura." Rao Sardar Singh had interest in Tonk as well as in Todo, and there arose the clash. He was all along supporting Maharaja Ishri Singh and consequently incurred the bitter enmity of Madho Singh. Apart from that it was his awful duty to wrest the fortress of Tonk from the hands of Madho Singh (Khas Paswana dated Sawan S. 3 S. 1804).

There was a sudden turn in the wheel of fortune. In May 1748, the Peshwa entered the Jaipur territory and in the same July, Malhar Holkar and Ganadhar Patya entered the Jaipur territory near Uniara, wrested Tonk, Toda and Malpura and gave these places to Madho Singh. After the battle of Bagri, in which Rao Sardar Singh commanded the vanguard of the Jaipur army, Ishwari Singh agreed to the terms of his opponents and agreed to give five parganas to his brother and to restore Bundi to Unmed Singh, son of Budh Singh Hada, who was ousted by Sawai Jai Singh. (Vide Thakur Narendra Singh's Life of Ishwari Singh, p. 97) Besides this, a huge amount of war expenses was promised to the Marhattas, This could not be paid and the Marhattas came again in 1750 and Ishwari Singh committed suicide. Madho Singh ascended the throne, and the Jaipur State became a tributary of the Marhattas. All the advantages that accrued to Uniara chiefship by its connection with Jaipur were thus washed away and the period of 1750 to 1818 is the period of trouble for both the State and the chiefship. Both were fleeced by the levies of the Marhattas and Uniara being in the way from Malwa to Rajputana and Delhi, was the worse sufferer.

CHAPTER VIII

DAYS OF TROUBLE 1750-1818.

Madho Singh as a price of his accession to the throne not only agreed to pay Rs. 5 Lakhs annually to the Marhattas, but also surrendered Tonk, Toda Malpura, Shergpur and Rampura to Mulhar Rao Holkar. Vide M. P. 33. The Pargana of Rampura was held by Madho Singh as fief from Mewar and no scruples were felt in transferring this Pargana to the Marhatta leader. In 1756, according to Mr. Wills, the annual tribute paid to the Marhattas was raised to 11 Lakhs. Uniara had Talukas of Bhambhor and Diah in Pargana Tonk and Awan in the Pargana Toda. Inevitably a clash with the Marhattas could not be avoided. On the other hand Maharaja Madho Singh wanted to free himself from the clutches of his erstwhile supporters. In the very beginning, an attempt was made to secure the possession of the five Parganas, that were alienated to them in consideration of their help in securing Madho Singh the throne of Jaipur. Uniara was made the main instrument of Jaipur's policy. Grants of Diah and Awan talukas were renewed to Rao Sardar Singh, though these talukas were situated in those Parganas, which had been transferred to the Marhattas—Un. 213; (Parwana dated Phalgun B. 6 S. 1812). The Uniara family instead of paying the fixed annual assessment of Bhambhor, Diah and Awan to the Marhattas paid it to the Jaipur Durbar. Of course this caused enmity with the Marhattas and when the Marhatta forces came to realise the arrears and the penalty for the default of the payment of the fixed revenue, Uniara had to suffer heavily. But the family had identified itself with the ruling dynasty of Jaipur and no sacrifice incurred for the liege lord of the Cuchawa clan was considered too great by Uniara. Blood was thicker than water, and Uniara did not follow the policy of opportunism, and betraying the cause of the clan.

Madho Singh was now drifting away from the Marhattas. The latter wanted to secure the possession of the fortress of Ranthambhore, which occupied a key position in Northern India. The Marhattas were up till

now mere migratory birds of prey. They had no permanent footing in Northern India. This would have been secured in case the fortress passed in to their hands. A permanent Marhatta garrison stationed in the fortress, the Rajputana states would have become permanent tributaries of the Marhattas. For three years 1752-55, Jiwan Khan Rohalla the Moslem Commander of the fortress protected it with a handful of army from the Marhatta force under Janakji Scindia who had besieged it. (Vide Narendra Singh Life of Ishri Singh p. 149). The country all around had become tributaries of the Marhattas. "This castle was maintained by a veteran Commander as long as funds and provisions lasted; but these failing, in order to secure it from falling into the hands of the Marhattas, and thus being lost for ever to the throne, he sought out a Rajput prince, to whom he might entrust it. He applied to Bundi, but the Hara, dreading to compromise his fealty if unable to maintain it refused the boon; and having no alternative, he resigned it to the prince of Amber as a trust which he could no longer defend" (Toda: Vol. III p. 1506). The Commander and his assistant were given handsome Jagirs and tazim by Madho Singh. The Jagirs still continue in their families. Maharaja Madho Singh also secured a formal grant of the Qiladari of Ranthambhore from the Emperor Ahmad Shah in 1755.

The passing of Ranthambhore in to the hands of Jaipur could not be easily tolerated by the Marhattas who had begun to regard it as their own property. They devastated and plundered the territory of Jaipur and its vassals. In 1758 Balaji Bajirao, the Peshwa, thus addressed to the Maharaja. "You complain about our forces plundering your territories. On the one hand you talk of compromise, on the other you have secured the possession of Ranthambhore of Sarkar (Marhatta), which you ought not have done. Now I write to you that in case you want to enter into settlement, you should hand over the possession of the fortress to us, and send Kanhiram and Misser Srikishan." (M. P. 99 dated Mah S. 1 S. 1815). Soon after we find Sahibji Patel (Junkoji Scindia) plundering and burning the villages of Uniara and claiming Mamlat from Rao Sardar Singh, and the Jaipur court requesting the Marhatta leader to stop the devastation of the Uniara villages—Durbar's letter in the Marhatta papers, (letter dated

Sawan Budi 14, S. 1815). Now the Marhattas marched under Malhar Rao Holkar and Gangadhar Tateja and a severe battle took place between them and the Jaipur forces at Kakor the most important town and old capital of the Chiefship in 1759 (Mah 1816). (Narendar Singh: Life of Ishwari Singh p 120.) The very fact that the territories of the chiefship were the battlefield of the fighting forces can give an idea of the losses and sacrifices made by the Uniara family in the cause of Jaipur. For Jaipur and the Marhattas, it meant only victory or defeat, but for Uniara its very existence was threatened. The Marhattas suffered a defeat. But the Daccanies were not in a mood to tolerate it and came again. Talks about a compromise took place. Gulab Singh Thakur of Bagru, who was an important official in the court of Jaipur, requested Rao Sardar Singh to bring about a lasting peace with Malhar Holkar. A settlement with the Marhattas was considered necessary on account of the Pathan menace (Probably Abdali's invasion of India). (Gulab Singh's letter to Rao Sardar Singh Pos B. 14, S. 1816). Rao Sardar Singh was in a very delicate position. A lasting settlement was necessary between Jaipur and the Marhattas for the very existence of his chiefship. The whole of the territory of Rao Sardar Singh lying on the southern-most boundary of Jaipur, and practically cut off from the State by the pargana of Tonk which was in possession of Holkar. Rao Sardar Singh could not remain on terms of enmity with Malhar Holkar. Rao Sardar Singh was made the cat's paw for bargaining by both the parties. Unfortunately no settlement could be arrived at by the parties and the Marhattas returned. They besieged the town of Uniara and imposed a heavy penalty upon the Rao which the latter was forced to pay. It is a regrettable fact that no timely help was tendered by Jaipur at this stage, and the small chiefship with its poor resources, was left at the mercy of the plunderer (vide Narendra Singh's life of Ishwari Singh p. 121).

In 1759 Shah Alam ascended the throne of Delhi. The Rao Rajas of Uniara had been on important mansabs in the time of Shah Jehan and Aurangzeb and the new Emperor conferred a mansab of 5000 zat and 2000 sowar and the title of Rao Raja Bahadur on Rao Sardar Singh. By the terms of the grant certain further privileges of Naqqarah were bestowed

upon the Rao Raja Bahadur.....(Farman dated Rajab 2nd Regnal year—1175 A. H. or 1760 A.D.) The grant of the title and the mansab shows the status and position of Rao Raja Sardar Singh Bahadur. This grant has been lightly dealt with by Mr. Wills. In his characteristic style he observes: "It was usual, when the neighbouring rulers were at enmity, for one to grant land and honours to any disaffected adherent of the opposite camp. In this case, as already stated Sardar Singh had fallen out with the Durbar in 1760; and it was therefore natural for him to accept an honourable recognition from the Moghul authorities, then hostile to the Maharaja. The Persian document of 1760 has therefore no bearing upon the tenure or the status of the Thikanedars of Uniara." Will's Report p.87. Mr. Wills has put the cart before the horse and has confused the result with the cause. There is no historical evidence that Sardar Singh had fallen out with the Maharaja prior to this grant. Madho Singh's alleged capture of Uniara is a subsequent history. It has been submitted, that, in 1759 the territories of the chiefship itself were the battle fields of the Marhattas and the Jaipur forces. Subsequent to that Sardar Singh is asked to effect a settlement between the Marhattas and Jaipur. Moreover there is no evidence that there was any hostility between the Moghul Emperor and Madho Singh. Only five years before, the Maharaja had secured the fortress of Ranthambhore from the Maghul authorities. Jaipur had never declared itself independent of the Moghul Emperor. Four years after the grant of this farman of 1760, the Hon'ble East India Company secured a grant of the Diwani of the Province of Bengal at a quit rent of 26 lakhs of rupees annually, from this very Emperor. As late as 1778 when the payment of the fixed customary tribute was withheld by Jaipur, Najaf Khan and Majad-Ud-Dolah officers of this Emperor (Shah Alam) marched against Jaipur and took possession of Narnaul. Maharaja Partap Singh was pardoned only after the payment of Rs. 5 Lakhs.....(Franklin: History of Shah Alam p. 79 to 85). Again the tribute was withheld, by Maharaja Partap Singh, who tried to become independent but he was subdued. The tribute was sent, and an additional peskhash which accompanied it appeased the resentment of Shah Alam"—(Franklin: History of Shah Alam p. 137.) De Boigne the French Military Commander of Scindia tells us of the latter days of Shah Alam in his memoirs that "Respect for the House

of Timur was such that, although the whole peninsula had been gradually withdrawn from its direct authority, yet there was not a prince in India who dared to call himself the King". The passage is quoted by Mr. Wills himself in his report—Vide Mr. Wills' report p. 117. Mr. Wills further admits that "even the Marhattas, who are Military conquerors, sought appointment as a Wazir of the Empire, or a Subedar of some great province, to support their title to the territories they overran." With all these facts the explanation in the report contains little water.

Maharaja Madho Singh was enraged at this grant of honours to Rao Sardar Singh by the Moghul Emperor. Rao Sardar Singh's payment of heavy fine to Malhar Holkar, when the latter besieged Uniara, was now made an excuse by the Maharaja to march against Uniara. According to the Jaipur version, Maharaja Madho Singh deemed it an insult that his vassal should get punished by the Marhattas as if it was on the Rao Raja's invitation. (Vide Narendra Singh's Life of Ishwari Singh P. 151-52).

In 1761 Maharaja Madho Singh "assembled all his clans to force the Haras (cf Kotah) to acknowledge themselves as his tributaries. The invasion of Abdalli, which humbled the Marhattas and put a stop to their pretensions to universal sovereignty, left the Rajputs to themselves"—Tod p. 722. Uniara chiefship fell in the way. It being a close neighbour of Kotah naturally did not desire to join with Jaipur in a war of aggression against that State, and the further history shows that it was right. This refusal of Uniara's joining the Jaipur forces against Kotah, along with the new honours showered upon the Rao Raja by the Moghul Emeror, inflamed the haughty temper of the Maharaja Madho Singh. Before his march against Kotah he made a grant of Uniara in favour of Inder Singh the younger brother of Rao Raja Sardar Singh of Uniara.....Un. 228. The grant of course remained a mere scrap of paper and the poor grantee or his descendants never secured the possession of any portion of Uniara by virtue of this grant. The Jaipur officials were further directed to take possession of the Awan taluka—Un. 231. Maharaja Madho Singh besieged Uniara with all his forces—Un. 232. The town was bombarded—Un. 232 B. and plundered. Cartloads of loot were sent to Jaipur—Un. 232 A. But soon after, either through the mediation of Rao Raja Partap Singh of

Macheri (as Thakur Narendra Singh puts it) or through that of Raja Surajmal of Bharatpur, a settlement was made between Jaipur and Rao Raja Sardar Singh of Uniara, and Uniara, was forced to pay a fine of 20 lakhs of rupees. (Narendra Singh's Life of Ishwari Singh p. 152, Un. 234, Un. 238, Un. 242). The allegation that Rao Serdar Singh was brought before the Maharaja with a rope round his neck (Un 233) is a mere bardic exaggeration of the arrival as the settlement. The attack of Maharaja Madho Singh on Uniara cannot be supported by any principle of ethics, morality or even policy. The Uniara family had all along been the staunchest vassal and an ally of the Jaipur State. After settling with Uniara, Maharaj Madho Singh marched against Kotah. The Jaipur forces were badly worsted at the hands of the Haras in the battle of Batwara. "The battle of Batwara decided the question of the tribute. Nor has the Cachawah since this day dared to advance the question of supremacy"—Tod Vol. III p. 1534.

Full conciliation now took place between the Maharaja and Rao Sardar Singh; but actions performed by the Jaipur court after this reconciliation show petty mindedness in the extreme. By the Khas-Parwana dated Asarh S. 4 S. 1819, the title of Rao and Tazeem were conferred upon Rao Raja Sardar Singh, though the Chiefs of Uniara had always been styled as Raos—and sometimes as Maharaja Raos.—(Khas Parwanas and letters dated Asarh B. 2 S. 1788; Sawan B. 13 S. 1788; Baisakh B. 12 S. 1792; Buisakh B. 6 S. 1794; Magh B. 13 S. 1796; Sawan B. 5 S. 1799; Kartik B. 6 S. 1800; Phalgun B. 5 S. 1800; Kartik B. 13 S. 1800; Magh S. 10 S. 1800; 2nd Asarh B. 12 S. 1801; Asarh S. 9 S. 1801; Sawan S. 5 S. 1802; Bhadwa B. 9 S. 1802; Sawan S. 3 S. 1804;) In 1760 the title of Rao Raja Bahadur had already been conferred upon Rao Sardar Singh by the Moghul Emperor who was the paramount power of Hindustan. As regards the Tazim, it was not enjoyed by the chiefship by virtue of any grant from the State, but on account of its position from the very beginning of its relationship with Jaipur—Un. 10 A. and 160 A. But inspite of these petty pinpricks, the relations between Jaipur and Uniara became cordial. In 1767 when Jawahar Singh Jat of Thun "marched through the Jaipur territories to the sacred lake of Pushkar, without any

previous intimation" and ventured by the same route to return to his State, (Tod. Vol. III p. 1359) Sardar Singh was requested by the Maharaja to come with a good force to *punish the Jat leader*—(Khas Parwana dated Asoj Sud. 12 S. 1824.) "The united Kotribunds marched to the encounter, to maintain the pretensions of their equestrian against the plebian Jat. A desperate conflict ensued, which, though it terminated in favour of the Cuchawahas and in the flight of the leader of the Jats, proved destructive to Amber, in the loss of almost every chieftain of note.—(Tod. Vol III p. 1360.) Maharaja Madho Singh died in 1767 and was succeeded by Maharaja Prithi Singh. The general condition of the State and the Chiefship of Uniara remained much the same during his reign—1767 to 1778. The Marhattas had become firmly established. Though Uniara was fleeced by the Marhattas, who realised mamlat or the tribute from it, and though Jaipur was unable to afford any protection to it, yet, it retained its connection with its liege lord. Its steadfast adherence to the house of Amber remained unaffected. Rao Raja Partap Singh of Macheri, a Naruka Chief and vassal of Jaipur cast off his dubious allegiance to the Jaipur Durbar and became independent in 1778. Rao Raja Sardar Singh might have done the same thing, but, he did not like to separate himself from the Jaipur State. Karauli another vassal of Jaipur became a direct tributary of the Marhattas and severed its connection with Jaipur in 1776.—(Udairam's letter dated Phagun S. 13 S. 1833; Bmbaji Ingle's letter dated Phagun S. 14 S. 1833) Rao Raja Sardar Singh on the other hand incurred the hostility of the Marhattas for supporting a lost cause. Toda and Malpura were assigned to Jaswant Rao Holkar in lieu of his pay, or tribute and the Marhatta leader taking advantage of the minority of the Maharaja again became troublesome. Rao Sardar Singh was directed to loot the Deccanics so that they might not reach the territories of Jaipur and the Uniara Rao Raja suffered the brunt of battle with Holkar—(Bohra Khushaliram's letter dated Bhadwa B. 6 S. 1833; Bhat Raja's letter dated Bhadwa B. 7. S. 1833; Jiwan Khan's letter dated Bhadwa B. 11 S. 1833 and Vidya Guru's letter dated 2nd Bhadwa S. 6 S. 1833.) The only result was that the Marhattas devastated the territories of the chiefship and we find a letter of Jai Chand, the Diwan of the Jaipur, State conveying meaningless assurance to Rao Sardar Singh that he had written to Jaswant Rao and Mannaji, the Marhatta leaders, not to trouble

him (Rao Raja)—(Jaichand's letter dated Baisakh Sud.1.S.1834.) Sometimes the tragedy became all the more greater when the Jaipur people themselves carried on the plundering and looting operations in the lands of the chiefship—[Jai Chand's letter dated Jeth B. 7 S. 1834 (1777)].

Rao Raja Sardar Singh died in 1777 and Maharaja Prithi Singh in 1778, and were succeeded by Rao Rajah Bishen Singh and Maharaja Partap Singh. Uniara went on paying its regular tribute to the Marhattas—(Lakshmi Ram's letter dated Mangsar S. 1. St. 1835). Toda Pargana which included the Awan Taluka was already assigned to Jaswant Rao Holkar,—(Vidya Gurn's letter dated Bhadwa B. 6 S. 1833, and Khushaliram's letter dated Baisakh S. 14 S. 1835). History again repeated itself. Jaipur and Jaswant Rao Holkar again fell out and a Khas Parwana was addressed to Rao Bishen Singh to turn out the idiot Jaswant Rao from Toda.—(Khas Parwana dated Asarh S. 7 St. 1837.) For Jaipur, Uniara always acted as shield in matters of defence and as vanguard in matters of aggression. A dispute arose also with the Hara States of Bundi and Kotah in 1780 and the Uniara forces also joined those of Jaipur in over-running the territories of Bundi.—(Bhat Jagnidutt's letter dated Asarh S. 7 St. 1837 and Scindia's letter dated Sawan S. 11 S. 1837). This met with a severe reprimand from Scindia. "The Jaipur forces have come towards Karwar. Your forces are also with them. I have been informed that it is on account of your advice that Partap Singh is creating trouble. An Army of 10,000 is sent against you"—Scindia's letter dated Sawan S. 11 S. 1837. (1780 A. D.). We are in the dark about the consequences. Madhoji Scindia was now becoming the dictator of Northern India. In 1784 he became the protector of the Emperor Shah Alam and secured two patents from him, one appointing the Peshwa as the Vice Regent or Vakil Mutlaq of the Empire, and the other vesting in himself the command of the army as Deputy of the Peshwa. The provinces of Delhi and Agra were formally assigned to him for the pay of his troops (H. G. Keene : Scindia p. 102).

Now Scindia levied tribute from the Rajputana States by virtue of these formal patents coupled with his power to enforce his demand. The Emperor was in Scindia's hands and it must be said to the credit of the Marhatta leader that he loyally served the Moghul. Shah Alam in an

elegy composed by him, showers his highest praises on Scindia's conduct.

Mohadji Scindia Farzandi Jigarbandi man

Hast masroof talafiya Sitangari ma.

Madhoji Scindia who is just like a son to me is trying to remove my misfortunes.

Maharaja Partap Singh was irregular in the payment of the tribute to the Moghul Emperors, which was now realised by Scindia in the Emperor's name. Uniara again threw her lot with Jaipur and in 1786 withheld the tribute which it paid to the Marhattas. It got a reminder from Raiji Patel to pay the tribute immediately (Raiji's letter dated Jeth S. 13 S. 1843) But the letter was unheeded. The result was that the Marhattas marched against the chiefship and it had to agree to pay one lakh of rupees by way of penalty to Mahadaji Scindia. Rs. 95000/- were paid immediately and Rs. 5000/- were remitted by the Marhatta leader (Scindia's letter dated Pos. S. 9 S. 1843). Even after the payment of the Mamlat the Marhatta officials in Tonk went on disturbing the territories of Uniara for some months (Raiji Patel's letter dated Phagun S. 2 S. 1843). On Maharaja Partap Singh's default in the payment of his tribute, Scindia as Vice Regent of the Empire with his French General De-Boigne and the Moghul Commanders marched against Jaipur to enforce his demand. All the vassals and kinsmen of Jaipur stood like one man to fight against the Marhatta leader. Maharaja Bijay Singh of Jodhpur came with his sturdy Rathors. The Shekhawats of Jhunjhunn and Narukars of Uniara came forward to help their liege lord. Uniara forgot the bitter experience that it had gained by incurring the enmity of Scindia only six months back. It again joined the lord of its clan. A battle took place near Tonga (Laslot) in 1787 and the Marhatta forces were severely routed, and Scindia was forced to retire. (Compton : European Military Adventures of Hindustan p. 32 to 27, Franklin's History of Shah Alam p. 141) "(Had the Jeynaghar prince on this occasion made a proper use of his victory, it is probable the Marhatta influence in Hindustan would have been totally annihilated, but content with having cleared his dominions of the invader. Partap Singh, after first detaching the Mogul force under Ismail Beg to besiege Agra, which place was still in the hands of the Marhattas, himself returned to

Jeynaghur"—(Franklin p. 142.) The nature of Rao Raja Bishen Singh's help rendered to the lord of Amber at the field of battle can be gathered from the Khas Parwana dated Bhadwa B. 5 S. 1843. "You did wonderful service in the field of Tonga against Scindia, which is either known to you or to my God." The title of Rao Raja was now formally conferred upon the Uniara chief, who was granted the right of Morehal and a salute of 5 guns on arrival to and departure from the Durhar. The Parwana further recognized the absolute right of the Rao Raja over his chiefship and dependants.

Uptil now Uniara had been more or less for the last twenty five years a tributary of the Marhattas. It paid little tribute in cash to the Jaipur State. Even when the tribute was credited in the Jaipur State accounts, it was not on account of cash payments, but rather the entries were made on account of the military service rendered by the chiefship to the Jaipur State. This system continued till the treaty with the East India Company in 1818. It was regarded in 1787 that the Marhattas had been badly routed and would not trouble the Rajput States especially Jaipur and Jodhpur any more in future. It was now considered that Uniara would cast away its foreign yoke and be a part and parcel of Jaipur. Jaipur also paid no tribute to the Marhattas for three years.

But all these wishes and expectations were thrown to the winds. The Rajputs had a heavy reckoning with the Marhattas in 1790 at the battle of Patan. Jaipur submitted and Jodhpur was further humbled in the battle of Merta in 1792—Compton pp. 51 to 62. Not only were the lands of Uniara devastated but Uniara had also to pay Rs. 75001/- the arrears of the tribute to Mahadaji (Sindia-Khas Parwana dated Jeth B. 14 S. 1847). The Awan Taluka in the Toda Pargana was already belonging to Holkar, and its quit rent was paid to him—(Holkar's letter dated Baisakh B. 13 S. 1847). Uniara could not escape the payment of the Mamlat to the Marhattas and a little delay in its payment brought about the devastation of its lands—(Tukoji's letter dated Asarh B. 4 S. 1848).

Rao Raja Bishen Singh died soon after the battle of Patan in 1790, and was succeeded by his son Rao Raja Bheem Singh. Mahadaji Scindia died in 1794. His nephew and successor Donlat Rao Scindia lacked the

energy and enterprise to consolidate and maintain the Empire built by his illustrious uncle. Major De Boigne, the French military commander of Scindia, also retired to his native land. Maharaja Pratap Singh and Rao Raja Bhim Singh again tried to free themselves from the yoke of the Marhattas. But De Boigne had left Perron as his successor, who inflicted a crushing defeat on the forces of the Maharaja at Mulpura in 1800. (Compton pp.237 to 247. "The Rajah (Maharaja Partap Singh) mounted his horse, and turning tail fled to his capital, followed by his cavalry, who never drew rein until they found refuge within the walls of Jajpur, forty miles distant.....Partap Singh never recovered the blow to his power and prestige which was dealt to him on this eventful day. Of the eighty pieces of cannon which he had brought into the field, he lost seventy four, together with all his camp, baggage and warlike stores".-(Compton pp.239-240). The Maharaja had to pay a penalty of 25 lakhs of rupees to purchase the peace. (Ibid p. 241.)

Malwa, on his way he levied a heavy fine from the Raja of Uniara, a recalcitrant chief who had lately defeated one of Perron's detached battalions under Skinner". Ibid p. 254.

"Perron was now at the zenith of his power. He had brought the whole of Hindustan into subjection, and was supreme within the boundaries of Scindia's northern possession. From Kotah in the South to Saharanpur in the north, from Jodhpur in the west to Koil in the east, his power was paramount. The Subahs or Governorships of Saharanpur, Panipat, Delhi, Narnaul, Agra and Ajmer were directly under his control. He drew his revenues and ordered their Government. He directed the policies of and received the tribute from the Rajahs of Jaipur and Jodhpur and many lesser Rajput chiefs.....His possession of the person of the Emperor, Shah Alam enabled him to invoke the Imperial authority for all his actions, and he enforced his will by the terror that his disciplined army inspired".Compton p. 248. Both Jaipur and Uniara remained tributaries of the Marhattas and could not even dream of any independence as long as Perron was there.

Maharaja Pertap Singh died in 1803, and was succeeded by his son Maharaja Jagat Singh. Jaipur entered into a treaty alliance with the Hon'ble East India Company, but it was given up by Sir George Barlow and Lord Cornwallis, the successors of Lord Wellesly. Jaipur and Uniara remained in very much the same position. Jaswant Rao Holkar was now on the Zenith of his power and he and his general Amir Khan began to claim tribute from Jaipur and Uniara. In 1806 the demand of this Chief against Uniara went up as high as Rs. 40,000/- plus a penalty of Rs. 500/- per day from the date of default to the date of payment—Jaswant Rao Holkar's letter dated Kartik S. 12 S. 1863. In the same year occurred the shameful tragedy of Krishna Kumari. Holkar and Scindia were paid not less than 35 lakhs of rupees by Maharaja Jagat Singh to purchase their support. (Will's Report p. 19). Rao Raja Bheem Singh also went in person with his forces for the Maharaja and on the field of battle the one thought that tormented his mind was that of the protection of his chiefship—(Bheem Singh's letter dated Mah B. 11 S. 1863). The war came to an end by the murder of the princess, but Jaswant Rao Holkar, Doulat Rao

Scindia and Amir Khan went on fleecing Uniara and Jaipur with renewed vigour. From a memo it appears that during a period of 12 years from 1806 to 1817 A.D. the chiefship of Uniara paid not less than Rs. 2,51,977/8/- to these free booters.—Memo S. 1863 to S. 1874. In 1818 and 1809 Uniara paid tribute to Scindia (Doulat Rao Scinda's letter dated Chait S. 8 S. 1866), Receipt dated Phalgun B. 13 S. 1865, Sukhram's letter dated Jeth B. 11 S. 1865). In 1869 it was paid to Holkar (Receipt dated Mangsir B. 5 S. 1869). It is no use narrating the detailed history of this period. Suffice it to say that Uniara was fleeced by all the three leaders. The neighbouring Pargana of Tonk having been assigned by Holkar to Amir Khan in permanent Jagir, Uniara could not avoid payment.

The chiefship of Uniara became a milch cow of these freebooters and as a last resource it considered proper to form an alliance with the British Government, for without any outside help of such a powerful supporter, Amir Khan could not be repelled. Raja Abhey Singh of Khetri was also trying to do the same. (Bharat Singh's letter dated Mangsar B. 5 S. 1874, Mohkam Singh's letter dated Magh Sudi 9 S. 1874, Abhey Singh's letter dated Phalgun S. 14 S. 1874). K. Zalim Singh, the son of Rao Raja Bhcem Singh, was sent to Delhi to affect a treaty with the Hon'ble East India Company, but Jaipur having entered into an alliance with the British in 1818, its necessity disappeared.

CHAPTER IX

POLITICAL STATUS OF UNIARA

From the foregoing narrative submitted in the last six chapters, the Political Status of Uniara chiefship becomes apparent. The chiefship originated independently of the Jaipur State, four of its five Parganas *i.e.* Uniara, Nagar, Banetta and Kakor having been continually in possession of the Uniara family since the time of Shah Jehan long before the time of Sawai Jai Singhji. All the Parganas were lying in the district of Sarkar of Ranthambhore,—which was “The first Sarkar or ‘department’ in the province of Ajmer consisting of no less than eighty-three Mahals or extensive fiefs in which were comprehended not only Bundi and Kotah and all their dependencies but the entire state of Seopure, and all the petty fiefs south of Bangunga, the aggregate of which now constitute the State of Amber.” (Tod’s Annals Vol. III. P. 1506). The chiefship had to pay a fixed tribute to the Imperial Foujdar of the Sarkar, which was designated as Zortalbi or Peshkash. Un. D. Un27 D. Un27. Apart from the payment of the tribute, the Imperial Government never interfered with the administration of the chiefship. No imperial police was posted in Uniara or any other State of Rajputana. No king’s judiciary was functioning in this part of the country. The maintenance of law and order was the function of the Chief. The States and Chiefships of Rajputana levied their own taxes. They maintained standing armies, which sometimes when the Chiefs held Mansabs from the Emperor, served the Empire. All the proprietary rights over the soil and the underground minerals were vested in them. Even the payment of the tribute was spasmodic, at least never regular. “The Moghuls held it (the country of Rajputana) by little more than a military occupation—the only tribute exacted seems to have been service in the Mogul armies, and the only hold on the country, the garrisons in certain towns or fortified places” (Irwin. Later Moguls Vol. I p.42). This was the position in the 17th century.

After the death of Aurangzeb, the chiefs had grown more defiant in

their attitude and the realisation of the tribute from those of Ranthambhore was done only with the help of a standing army. The chiefs could now declare war or make peace with the neighbours and no paramountcy was exercised by the Mogul Govt. to prevent it. "The Imperial Government of Delhi had held together and protected all the feudatory states of India. But when the Emperor became a life-less shadow confined within the Harem, when the Vazir's sole pursuit was pleasure varied only by contests with his court rivals, this unifying bond and common controlling authority was dissolved. No superior power was left to enforce the lawful rights and prevent the ambitious conflicts between one vassal state and another, one prince and another of the same Royal House. All the pent up personal ambitions and interested rivalries,—which the strong hand of the Paramount Power of Delhi, from Akbar to Bahadur Shah had repressed for a century and a half now burst forth without fear and check.".....(Sarkar's Fall of the Mogul Empire Vol. I p. 236).

Sawai Jai Singh now undertook the work of the collection of the tribute from the states and the chiefships of Sarkar Ranthambhore on the farming system. The Maharaja was simply an agent of the Mogul Foujdar and acquired no rights over the chiefship of Uniara by such farm. The tribute was realised in the name of the Emperor. The chiefship more on account of the clan affinity and mutual protection began to pay the tribute to the Maharaja as the agent of the Emperor, though still the payment was never regular. Both Maharaja Sawai Jai Singh and Ishwar Singh acquired no suzerain powers over Uniara. We may picture a loose confederation between Jaipur and other Cuchwaha chiefships knit together in a common bond of clan represented by the Maharaja as liege lord of the clan to the Empire and the neighbouring states. The tribute formally paid by the different chiefs separately to the Empire was now paid in one lump sum. But such a confederation granted no additional powers—not to speak of suzerainty or paramountcy, to any single unit of confederation. The respect paid to the Maharaja was not on account of any feudal or tributary link, but on account of his being the head of the Cuchwaha clan. Neither Maharaja Sawai Jai Singh, nor Ishwari Singhji tried to limit the external or the internal independence of the chiefship. This remained till 1750.

In 1752, the Peshwa was appointed Subedar of Ajmer (including the Foudari of Narnol) (Sarkar : Fall of the Mogul Empire p. 361—62). This gave the Marhattas a formal right to levy tribute from Jaipur, the chiefship of Uniara and other states. Since that time till 1818, the chiefship was a tributary of the Marhattas, though occasionally the tribute was levied from the Maharaja as the head of all the Cuchwaha clans, yet generally Uniara being situated on the boundaries of Malwa and cut off from the remaining territories of Jaipur by the Parganas of Tonk which was in the direct possession of the Marhattas, was fleeced separately. During this period the chiefship secured no protection from the Maharaja or from the Marhattas. The latter were simply freebooters and levied tribute by way of blackmail or extortion rather than for affording any protection to the tributary state. As H.G. Keene observes, "It was not so much an Empire as an anti-empire. Let others, they seemed to say, undertake the task of administration and of watching for the welfare of the multitude. They will be making honey not for themselves, on their most prosperous towns and parishes, we will, without unnecessary violence or mischief make our regular and understood claim of 25% of the reveue, surly not an exorbitant commission for abstaining from disturbing their enjoyment of life and property. "Do thou" said Virgil, "remember, O Roman, to rule the peoples". The Pax Maratica was founded on the opposite principle. "Take pay for not ruling". (H. G. Keene : Scindia, Claredon Press 1916 edition p. 14). Apart from the payment of the tribute to the Marhattas either directly or through the common pool of the Cuchwaha clan, the external and internal independence of the chiefship remained unhampered during this period, as it was in the time of the later Moghuls. The Marhattas never claimed any rights of Paramountcy over Uniara similar to the one now exercised by the Government of India over the Native states. The chiefship realised its revenue, imposed taxes, and spent them for its external and internal protection and maintenance of law and order. Absolutely no right of internal interference was ever put forward by the tribute receivers. Its external independence was unhampered and it could declare war against or make peace with any neighbouring state. There was absolutely no bar to its entering in to alliances with other states or powers. It was a full sovereign state. "Tributary

states and states having fendal relations to each other are still considered as sovereign so far as their sovereignty is not affected by this relation. Thus it is evident that the tribute formally paid by the principal maritime powers of Europe to the Barbary states did not at all effect the sovereignty and independence of the former." (Wheaton's International Law 2nd edition p. 50). The Barbary states were themselves "the tributaries of the Ottoman Porte and subject to the suzerainty of the Sultan of Constantinople, but they exercised the right of entering into treaty engagements as independent powers, with the Christian nations of Europe." (Wheaton's International Law 2nd edition p. 50). The King of Naples was a vassal of the Papal States for full eight centuries (from 11th to 19th centuries), but this fact was never considered to impair the sovereignty of the Kingdom of Naples. (Ward's History of the Law of Nations Vol. II p. 69.) When Bulgaria was a vassal state of Turkey (1878-1908), she could conclude treaties on matters such as telegraphs or posts, or with Turkey on Railways in 1894, send and receive consuls as diplomatic agents, and in 1885 on her own responsibility, she waged war against Serbia, then a fully sovereign state. Similarly Egypt as a vassal of Turkey could conclude commercial and postal conventions, send and receive consuls, join with the United Kingdom in 1898 in reducing Sudan, and establish with it a Condominium over the territory.—(Wheaton's International Law VI English edition p. 81.) Nor are the instances of the principle enunciated by Mr. Wheaton to be found in European History alone, Travancore was a tributary of the Nawab of Carnatic. The states of Western India state Agency for example Junagarh, Nawanagar, Bhavnagar, Porbandar, Dhanghdra, Morvi etc. were tributaries of the Peshwa or the Gaikwar and even at present most of the Gujerat states pay tribute to either Baroda or Junagarh. There are lots of similar states in Malwa, Central India and even Rajputana. They were all tributaries with their internal or external independence unhampered. The Uniara chiefship occupied the same position as that enjoyed by the Barbary states, Bulgaria or Egypt. It could declare war against the neighbouring state of Karauli which now enjoys the same status as that possessed by Jaipur. During all this period (1750 to 1818) the relationship between Jaipur and Uniara was one based on the ties of blood. Uniara was glad to pay the natural allegiance to the Lord of the Clan, but it was regarded as a separate

unit to be fleeced by the Deccanies. Apart from a few instances little tribute was ever paid in cash to Jaipur and even in the years when it was so paid, it was done so, because Jaipur was to pay it on behalf of herself and her vassals to some other power.

This status of Uniara was also recognised by the Hon. East India Company, which was emerging into paramount power. In 1817 when a general campaign was launched against the Pindaries, Uniara was separately approached by the Hon'ble Company to help the British forces (Sir Charles Metcalf's letter dated 16th November 1817). Correspondence also passed between the Hon'ble East India Company and Uniara for an alliance between the two and Rao Raja Bheem Singh was requested by the British Resident at Delhi to send a representative with full instructions and powers to Delhi to effect the proposed alliance. (Sir C.T. Metcalf's letter dated 16th Nov. 1817). As already submitted, the treaty was considered unnecessary on account of Jaipur having affected an alliance with the Company. The status of Uniara in 1818 was thus described by Sir Charle Metcalfe "The Jaipur State may be considered as divided into three principal branches, consisting of the Raja and his own territories, and the dependent chiefs as one branch, the Narooka chiefs as the second and the Shekhawati chiefs as the third. Raja Abhai Singh is one of the principal of the Shekhawati chiefs, and Rao Raja Uniara is the first in rank and power of the Narooka chiefs. The Rao Raja of Macheri is a Naruka and was formerly on the same footing with the Rao Raja of Uniara with respect to the Raja of Jaipur."

"These chiefs (Khetri and Uniara) are dependents and feudatories not subjects. They are independent rulers in their own territories. They pay the tributes or give military service or both to the Raja of Jaipur and are entitled to protection. If not protected their obligations cease, and they have a right to carry their tributes and allegiance, where they can obtain securities in return." (C.T. Matcalf's letter to John Adams dated 29th Jan. 1818).

Walter Hamilton, the celebrated author of "Description of Hindustan" and East Indies Gazetteer," speaks of the partially independent states of

Uniara. (Hindustan Vol. I P. 545.) He also gives a description of Kakor and Uniara—two important towns of the chiefship.

“Kakor—This is a large town with a castle in the province of Ajmer belonging to the Raja of Uniara, situated 10 miles N.W. from Rampura.

“Uniara—This is a large town enclosed by a wall, partly of mud and partly of stones. The Raja has a handsome house, with a stone enclosure, surrounded by a ditch. He is a feudatory of Jaipur and sprung from that family that has long acted as an independent prince.” (Hamilton Hindustan Vol. I.P. 542.)

This was the position of Uniara in 1818. On 2nd April 1818 was signed the memorable treaty between Jaipur and the Hon'ble East India Company. The state lost its external sovereignty and so did Uniara, for it threw her lot with the lord of her clan. The Maharaja agreed to pay an annual tribute of 8 lacs to the British Government on behalf of its Khalsa dominions and the territories of her vassals and feudatories. The state and the Chiefship lost the power of making any alliances with any other chiefs and states. The treaty left the internal sovereignty of the state and the chiefship unaffected. The Maharaja represented the entire clan (except the state of Alwar which had separated from Jaipur and made an alliance with the British Government in 1803) and the Jaipur state and its dependent chiefship of Uniara were now for the purpose of external representation to the Government of India merged into one state. But the treaty in no way altered the relative position of the component parts.

It may be argued that on account of the Treaty between the government of India and the Jaipur state, the Darbar has acquired certain special powers over its dependents *i.e.* the chiefship of Uniara. But the treaty belies the arguments. A study of the treaties made by Hon'ble East India Company with the different Rajaputana states from 1816 to 1819 will reveal that in the treaties of all the states with the only exception of Jaipur, the prince is recognised to be an absolute ruler of his territory or dominions without any modifying condition.

“The Maharana of Udaipur shall always be the absolute ruler of his own country.” Ninth article of Udaipur treaty dated 13th June 1818.

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"The Maharaja and his heirs and successors shall remain absolute rulers of their country." (9th article of Jodhpur treaty dated 6th June 1818).

"The posterity of Maharawal Moolraj shall succeed to the principality of Jaisalmer." (2nd article of Jaisalmer treaty dated 12th December 1818).

"The Maha Rao and his heirs and successors shall remain absolute rulers of their country." (10th article of Kotah treaty dated 26th December 1817).

"The Raja is the absolute ruler of his dominion." (3rd article of Bundi treaty dated 10th February 1818).

On account of the peculiar position of this state and its dependent chiefships like Uniara, an entirely new clause was inserted in the Jaipur Treaty. The 8th article of the treaty runs: The Maharaja and his heirs and successors shall remain absolute rulers of the country, and **their dependents according to long established usage**. Sir C. Metcalf the author of the treaty can also be the best interpreter of his own language. While speaking of Uniara and Khetri, Sir Charles writes: "These chiefs are dependents and feudatories and not subjects. They pay tribute or military services or both to the Raja of Jaipur and are entitled to protection. If not protected their obligation ceases, and they have a right to carry their tribute and allegiance where they can obtain security in return." That supplies the meaning of the word, 'dependents' in the 8th clause of the treaty. Sir C. Metcalf enters into conditional engagement with Khetri by which the Raja of Khetri and his heirs were to become dependents of the British Government on the same footing on which they were formerly dependents of Jaipur. There is a further adjective clause "according to long established usage." Thus the political status of the chiefship of Uniara was guaranteed. The relationship between Jaipur and Uniara were to be governed by long established usage which may be gathered from the previous history of the chiefship. The Jaipur Durrbar is precluded from asserting any right over Uniara which is contrary to the long established usage. The treaty of 1818 is a magnacharta for the chiefship and is the greatest guarantee of its old rights and privileges. It preserves its internal autonomy or sovereignty.

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within its area and any encroachment on its time honoured privileges or rights would be a gross violation of an important provision of the treaty which would never be tolerated by the Government of India.

At this stage, it would not be out of place to mention that Uniara is the only dependent chiefship whose Rao Raja enjoys a salute of 5 guns on the arrival at and the departure from the Durbar at Jaipur. The chief further goes on horse back with lawazima right up to the palace of His Highness. A glance at the Appendix F will show that the chiefship enjoys peculiar privileges and rights not enjoyed by any other Thikana or Sardar in the state. This shows its political status. A salute of guns is not accorded to a petty Jagirdar or Ijardar. It is a visible emblem of sovereignty.

CHAPTER X

THE SETTLEMENT OF 1818.

William Shakespeare once beautifully used the phrase "my lady protesteth too much" and perusal of Section 3 part III. of Mr. Wills' Report and the history of the period to which he refers only carry an impression that the celebrated author of the Report wants to make capital out of nothing. In order to belittle the importance of the vassal Thikanas, he has gone a bit out of his way to decry Sir Charles Metcalf. Mr. Wills after quoting the passage out of Metcalf's despatch in which the latter clearly defines the Political Status of Khetri and Uniar as that of dependants and tributaries and calls them as independent Rulers in their own territories, gives this explanation. "Metcalf was labouring under the necessity of justifying his negotiations with the Estate holders subordinate to Jaipur, undertaken "without previous instruction".....a circumstance which may, possibly have influenced his estimate of the position of those Thikanadars".....Wills Report p. 24. Later on he extols the achievements of Sir David Ochterlony and the alleged settlement of 20th June 1818. This all requires closer scrutiny.

The position of Sir Charles Metcalf while he was a Resident at Delhi is a known history. He was the dictator of the policy of Lord Hastings's Government. It was he who laid down the policy of subordinate alliance and worked it out to its minutest details. The treaty map of Rajputana and Central India was written by him. Metcalfe was largely responsible for giving further and final shape to Moira's views on the problem of political relationship. "Moira's Confidence in Metcalf increased day by day. When in the autumn of 1813 Moira returned to Calcutta, he took with him a lengthy minute prepared for him by his Private Secretary, Recketts, based on the notes and opinions furnished by Metcalf. The Governor General put that minute before his Council on his return. It surveyed the whole situation exhaustively from the military and the political stand points, with regard to the Indian Princes and the Pindaries,

and also contained an elaborate exposition of the creed which Moira had by that time, embraced for his political conduct in India. "The policy it inculcated was indeed emphatically Metcalfe's policy. Not only were the arguments and the plan his, but in many parts his own words were reproduced." (Mehta : Lord Hastings and the Indian States p. 21-28). There were few political officers who could stand comparison with Metcalfe in the local knowledge, the mastery of details, and the grasp of the situation of the country, combined with the tact in handling the same. All the treaties made with the Rajputana States from 1816 to 1819 were made by him and only subsequently ratified by the Governor General. Metcalfe, Malcolm and Elphinstone were the political giants of Hastings's administration. The position of Metcalfe may further be gathered, from the fact that Sir David Ochterlony was forced to return from the post of Resident at Delhi on account of his hopeless inefficiency, and Sir Charles was especially approached for the post. Metcalfe subsequently rose to the post of the Governor Generalship of British India and on retirement from India became the Governor General of Canada. After studying the history of Uniara chiefship from 1730 to 1818, every man will agree with Sir Charles Metcalfe regarding his statement about its status. Alliances with such vassal states were made by Lord Hastings's Government itself. Alliances were made with no less than 145 Chiefs of Malwa, "which were now recognised and placed under the Governor General's Agent in Central India" (Le Warner protected Princes p. 108.—"The justification for acknowledging the rights and privileges of a multiplicity of States and Chiefships rested on the fact that those who appealed to the British Govt. for protection in 1818 were quite as much entitled to what they claimed as the larger States" (Idid p. 108). The same principles were applied to the Gujrat State, in the Bombay Presidency. (Ibid p. 109).

The Jaipur treaty was signed by Metcalfe and Rawal Barysal on 2nd April 1818 at Delhi. According to the treaty the annual tribute to be paid by the State was fixed at 8 Lacs and a further proportional share of 6 annas in a rupee in case the revenue of the State exceeded 40 Lacs. The history of the fixation of the tribute is rather interesting. The annual income of the State from 1818 to 1860 never went beyond 35 Lacs and was

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On 20th June 1818 a Darbar was held and many Sardars attended. It was frankly told them that the state wanted to resume all the lands usurped by them in the days of trouble from 1803 to 1818. From Sir D. Ochterlony's dispatches it seems that the principle of restoration of the usurped lands was not objected to by the Nobles, though later on, they objected to its application on individual merits. But apart from the resumptions,

Sir D. Ochterlony played the further part of a dictator. He tried to do what Col. Tod had performed at Udaipur. Mimicry is bad ; mimicry of great persons is worse. He secured a draft of colenama from Capt. Tod, which the latter had prepared for the Sardars of Mewar and gave it to the Maharaja and his eunuch minister Mohan Ram. It is clear that the conditions greatly differed in the two states, and no draft of settlement between the Maharana and his Nobles could be any basis of an agreement between the Jaipur Darbar and the Sardars. The Nobles of Mewar were grantees of the Maharana, while the Jaipur state contained not only the grantees, but also the vassal Chiefs like Uniara. It is contended by Mr. Wills on the authority of Sir D. Ochterlony's despatches that the paper was signed by all the nobles but that subsequently it was lost sight of by the higher authorities. It is submitted that our view of history is different. Some document in the Jaipur language was of course offered to the sardars assembled in the first assembly on 21st June 1818, for their signatures, and some did sign the document on that day and on the subsequent durbar day, but the agreement was never finally completed and never delivered to the Maharaja. Sir David in his despatch dated 22nd June 1818 informed the Political Secretary of the Government of India about the great council held on 21st June "when every Thakoor of the state of any note was present," and that all the Chiefs assembled and signed the document. But later on in his subsequent despatch of 1st July 1818 he informs of the coming of Shekhawats and their signing the document. If "every Thakoor of the State of any note" attended the Durbar on 21st June 1818 and signed the deed where had gone the Shekhawats. In a subsequent despatch we find that the nobles were refractory and forces had to be sent against Kushalgarh and Madhorajpur. The fortress of Madhorajpur was captured after a short siege. Again Sir D. Ochterlony informs that Rawal Bereysal having not signed the documents, forces were required to march against him. All this shows that the agreement, whatever it may be, was never completed. It seems that Sir David played in the hands of his Munshi and Nazir Mohon Ram, whose later activities show their mischievous tendencies. These persons made Sir David a cat's paw for their own selfish purposes and created bitterness between him and the Sardars. Sir David's recognition of the Narwar boy Man Singh as successor

Henry Prinsep, another contemporary historian, whose *History of the Political and Military Transaction in India* was first published in 1820, and reprinted in 1825 states : "In March 1818 Sir D. Ochterlony proceeded to Jeypore, in order to, if possible, introduce some regularity and system into the administration of its affairs. Under his superintendence a general meeting of the Thakoors was convened, but several proving refractory it was found necessary to make an example in order to convince them of the fruitlessness of such a conduct under the new arrangement about to be introduced. In this view the strongholds of Kushalgarh and Madhorajpura (or Madhogarh) were reduced and the facility with which both the enterprises were effected, quite astonished the Rajputs, who had seen Ameer Khan's battalions baffled for two years before the latter Fort. In December 1818 before anything definite had been arranged Raja Jagat Singh died without leaving a son or other acknowledged heir." (Prinsep. Vol.II p.374).

Wilson, the editor of Mill's *History of British India*, and author of the last three volumes of that book gives the same description. (Mill's *History of British India* Vol. VIII. p. 528).

All the three contemporary writers emphatically deny the settlement. This alleged document is not referred to subsequently in any despatch of Sir D. Ochterlony or that of Sir Charles Metcalf or any political officer. Sir David refers to the topic of the resumption of the usurpations but makes no reference anywhere to the alleged settlement. Sir David visited Jaipur three or four times during the minority of Maharaja Jey Singh III and practically controlled the Jaipur administration. He got some colonnads executed during this time from the sardars and the officials. Sir Charles Metcalf was Resident at Delhi, at the time of the alleged settlement and subsequently became the Secretary of the Government of India in 1818. He remained in India till 1835 and occupied the chair of Governor Generalship, but he never refers to it even once, though during the subsequent disputes between the nobility and the queen mother the alleged document must have been of vital importance and value. In not a single Government publication the alleged agreement is produced. The earliest edition of the treaties and engagements was published as early as 1835 about the same time when Wilson's History was published. Sir Charles Metcalf, formerly Delhi Resident in 1818, was still in India. In all these treaties though the different colonnads entered into by the nobles of Udaipur have been included, the alleged settlement is nowhere to be found. Col. Tod devotes one full Chapter of his Annals to the events in Jaipur after the treaty of 1818; and though he himself supplied the draft to Sir D. Ochterlony, and refers to the subject of the resumption of the usurpations yet he is quite silent about the settlement. Mr. Wills wants to make out that the settlement was forgotten as early as 1830 when Col. Lockett made a tour of Jaipur. Curiously enough the historians also entered into a conspiracy to deny the completion of the settlement. The document is missing from the Jaipur archives. Thus Mr. Wills wants to rely upon that settlement whose factum was denied by the contemporary historians; which is never referred to again by its own author and never enforced by him. Sir David in his subsequent despatches speaks of the resumption of the usurpations: a Principle agreed to by the nobles, but we never hear of those fundamental rules; though from 1819 to 1826 during the Minority of Sawai Jai Singh when Sir D. Ochterlony himself supervised the Jaipur affairs, the alleged

The chiefship of Uniara is neither a Jagir nor a farm. The several articles, all refer to the Jagirdars. Article 5 of the document runs: Conformably to order we shall render service, whether at home or abroad agreeably to the usage of the Durbar and whenever it shall please the Durbar to permit our departure, we shall return to our homes. On the day of the Dashehrra we shall attend uncalled, to pay our obeisance." Now the Rao Raja of Uniara does not render any service of the type mentioned in the article to the Durbar. He is not bound to stay at Jaipur or to attend the court on the Dashehra day. According to the Khas Mohar Parwana dated Bhadwa Bndi 5, 1843 (Appendix G) he enjoys a salute of 5 guns on

his arrival at and departure from the Durbar. He also gets Rs. 500/- per day for his expenses when he is called to Jaipur.

Article 6th refers to the brothers, sons, and dependants of the chiefs who have separate pattas from the Durbar. It is all about Jagirdars.

Article 8th further clears the position "Formerly Jagirdars, both old and new, remained on duty, agreeably to the extent of their jagirs, throughout the year but now the Durbar through benevolence, has formed the whole into two divisions, each division to remain on service for 6 months—and on urgent occasions, the whole shall attend. The Bhomias also agreeably to their former customs, shall attend and render service." Now Uniara was never a member of one or the other order or division which was to remain on service for six months. Article 7 about the duty on merchandise similarly refers to the Jagirs. "Of old duty levied on merchandise is the right of the Durbar." Now the Durbar levied all kinds of taxes including the right of levying customs in the Jagir lands for it was only the right of the realisation of the rent that was transferred to the grantees in the services tenure. But the Durbar had never exercised any such right in a vassal chiefship like Uniara. The words are : "Of old the duty levied on merchandise is the right of the Durbar." The Durbar never levied any custom in Uniara prior to 1818. The document applies only to the Jagirdars and the farm holders. It is also not the contention of the report that Sir D. Ochterlony wanted to curtail any power of the vassal chiefship of Uniara. What the report lays down is that Uniara is an Ijaredar and so the document applies. The theory of Ijara is the sheet anchor of the report and with it goes the case of settlement. The Ijara theory has been fully exploded in the previous chapters. There is no evidence to prove that the Hindi paper which is alleged to have been signed by the Rao Raja Uniara in the despatch of Sir D. Ochterlony was ever translated into Persian and that the Persian document enclosed by Sir D. Ochterlony is a correct translation of the Hindi document which was read out to the Sardars in the first meeting. But even if it be held that the articles given in Appendix H. Part 2 of the report are the true and faithful translation of the document, the Rao Raja did not incur any liability by signing the document for, as already submitted, the articles

were to apply to farms and jagirs and not to the vassal Chiefs like the Rao Raja of Uniara. It may here be noted that Rao Raja Bhim Singh Ji of Uniara expressed his reluctance to sign the Hindi paper which was read before the sardars on the contention that he had ever been a most faithful vassal. He was not a Jagirdar or Ijaredar and consequently he had not committed any breach of duty and obedience. The style of Sir D. Ochterlony's persuasion is rather interesting. "As this personage had not a single motive on the score of usurpation to withhold his signature, I gave him every credit for dignified feeling: but said that I had little expected from him, of whose sentiments, good sense and character I had received the most favourable impressions, to meet with any objections to the arrangements which were intended to promote the honour and dignity of the Raja and the interests of the State. That though this was our first meeting I had always hoped to have the aid of his influence and advice whenever I sought to place the Raja in the state which his ancestors had enjoyed" (Mr. Wills report Appendix H. Pt. 1). The words are simply flattering and an assurance that the Raja's help was necessary to secure to the Maharaja the position that he enjoyed in 1803. There was no question of the curtailment of the power of the vassal chiefship. It was the decided policy of Sir D. Ochterlony "to continue every chief in his ancient Rights and Domains," (Ochterlony's despatch dated 22nd June 1818). The manner in which a document is acted upon by the parties, is its best interpretation, and the subsequent position of the parties shows that the articles were never meant to apply to the Chiefship of Uniara.

Lee Warner, while speaking of the agreements made between the British Government and the Indian States, thus remarks: "If any doubt existed at the time as to the application of a general principle to a particular state, it has been set at rest by the usage of half a century, and by the mutual relations established between the paramount power and its allies.....The treaties and the engagements of the Native States can not be fully understood.....without reference to the relations of the parties at the time of the conclusion between them".....(Lee Warner: Protected Princes of India p. 40). The same equally applies to the Jaipur Durbar and the chiefship of Uniara. Sir D. Ochterlony can be the best authority upon

the political status of Uniara. It was he who is alleged to have brought about the settlement of the Thakurs of Jaipur. His subsequent despatches fully show that he always treated Uniara as a separate petty state under the paramountcy of Jaipur, but not liable to interference in its internal affairs by the Jaipur Durbar. In his letter dated 28th November, 1822 addressed to Cap. J. Stewart. Political Agent, Sir D. Ochterlony remarks. "They (Jaipur administration) wish to avail themselves of the present circumstances to establish a degree of interference in *the petty state of Oontarah* beyond the privileges of paramountcy which, I apprehend, usage to have defined. I conceive it to be both our interest and our duty to protect the *State* against all undue and unwonted exercise of power. I conceive it a duty to request you to do everything in your power to obstruct the view of Jaipur and exert yourself to place Uniara as independent to them as can possibly be affected consistently with ancient usage which I believe gives them no right to intermeddle in the internal matters unless by desire and is confined to certain pecuniary sacrifices and feudal services".—Appendix H. This explodes the alleged settlement of 1818, at least as far as the Chiefship of Uniara is concerned.

The resurrection of the settlement is a poor support to the weak cause. The settlement was not completed and the articles of agreement published in Appendix H. of Mr. Wills' report apply to farms and Jagirs and not to the vassal chiefship of Uniara.

CHAPTER XI

PRINCIPLES TO BE APPLIED.

It has been the policy of the Jaipur administration to support every encroachment made on the rights and privileges of the vassal chiefships on the plea of sovereign right. It seems that the sovereignty has all of a sudden been acquired by the Durbar during the last fifteen years.

The individuality of the sovereignty on which Austin insists does not belong to the Indian system of sovereign states. (Lee Warner. p. 30.) In India we have got a lot of sovereign states and chiefships all enjoying a varying degree of sovereignty though none except the British Crown enjoys the full sovereign powers. As the Late Sir Henry Maine observes "Sovereignty is a term which in international law indicates a well ascertained assemblage of separate powers or privileges. The rights, which form a part of the aggregate, are specifically named by the publicists, who distinguish them as the right to make war or peace, the right to administer civil and criminal justice, the right to legislate, and so forth. A sovereign who possesses all of these rights is called an independent sovereign, but there is not, nor has there ever been in the international law anything to prevent some of these rights being lodged with one possessor and some with another. Sovereignty has always been regarded as divisible. A part of the sovereignty over those semi-sovereign states in Germany, which were put an end to, by the confederacy of the Rhine resided with the Emperor of Germany, and a part belonged to the states themselves. So also a portion of the sovereignty over the states, which make up the German confederation, belongs to that confederation. Again the relation of the Swiss cantons to the federal power was, until the events of 1847 and 1848, a relation of imperfect sovereignty, and though at this moment (1865) it is dangerous to speak of the North American states; the relation of the several members of the Union to the Federal authority was until recently, supposed to be of the same nature. In fact Europe was at one time full of imperfectly sovereign states, although the current of events

has for centuries set towards their aggregation into large independent monarchies. (Quoted by Lee Warner P. 30). Sir Henry Maine further observes : "It may perhaps be worth observing that according to the more precise language of modern publicists 'sovereignty is divisible, but independence is not. Although the expression partial independence may be popularly used, it is technically incorrect. Accordingly there may be found in India every shade and variety of sovereignty, but there is one independent sovereign *i.e.* the British Crown" (Butler Committee's report P. 25-26). To make the link complete "whether there in the case of an Indian community, claiming to be treated as an Indian State, these **divisible powers of sovereignty vest in one chief or are distributed and if distributed in what mode and to what degree they are distributed are questions of fact to be decided by the evidence of the treaties, or by that of usage : and usages is the more cogent of the two.**" (Lee Warner P. 31).

Now the Jaipur State like the rest of the native states has no right to declare war or make peace. It has no international existence. In all the international conferences it is represented by the British Government. The Paramount Power claims the right and the privilege to protect the states against rebellion or insurrection. It further enjoys the right of intervention in the internal administration of Jaipur or any other state for the benefit of the prince, his subjects or for the common benefit of India as a whole. The British Government is bound to intervene in the case of gross misrule. (Vide Butler Committee report p. 29, 30). In this light the Jaipur state can not be called to be a full sovereign power. It enjoys only a portion of the sovereignty. Jaipur and the other first class states like Hyderabad, Mysore and Indore have got much greater measure of sovereignty than that enjoyed by the smaller states. "Some states enjoy a substantial immunity from interference in nearly all the functions of the internal administration while others are under such a subjection that the native sovereignty is almost completely destroyed." (Lee Warner p. 32). Lord Reading in his famous letter dated 27th March 1926 addressed to H.E.H. the Nizam speaks of the "varying degrees of internal sovereignty which the ruler enjoys". Thus, among the Indian sovereignties, we find a state like Jaipur or Mysore, which enjoys full civil and criminal jurisdiction and can pass the capital

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sentence, and one of the Thana states brotherhood, whose civil and criminal powers are extremely limited. There are some who maintain their own police while in others the police arrangements are made by the British Government. They all enjoy varying degrees of sovereignty. A common argument that is generally advanced by the Jaipur state officials regarding one right or the other, that it is a sovereign right, is meaningless. Jaipur is not a full sovereign power and in case the argument is intended to imply that a right can only be possessed by a full sovereign power, the Jaipur state can have no claim to such a right, for it appertains to the British Government, the only sovereign power in India. In case of the division of the sovereign rights, the argument loses its force for it must be seen how these divisible powers of sovereignty are distributed and to what degree and among whom distributed and this can only be decided on the past usage. In every case it is subject to proof that a right appertains to the Jaipur Durbar.

It has already been shown that in 1818 when the treaty was made between Jaipur and the Hon'ble East India Company, Uniara was as much independent and sovereign as Jaipur proper, and that both lost their external independence by that treaty. By the treaty, the sovereignty of Jaipur was limited to the one that it exercised in 1818 by long established usage. It is a common history that the Jaipur Durbar had absolutely no sovereign powers in the internal affairs of the chiefship at any time before 1818. The original tie between Uniara and Jaipur was a voluntary one. The position of the chiefship is guaranteed by the very words of the treaty and the position that was enjoyed by the chiefship in 1818 is still its right position. Of course, certain curtailments have been made in its powers; but these are the grievances of the chiefship which ought to be inquired into and remedied. They form no justification, neither morally nor legally to make further encroachment on the powers of the chiefship. There is no limitation running against a wrong and it would be better that a proper inquiry be made of the grievances of the chiefship and its original position restored.

It is a matter of pleasure that Mr. Wills wants to go to the origin of things. Col. Tod has embodied the result of his vast experience in the

Following wholesome advice : "Let the Lords Paramount go deeper (than the surface) when they have to decide between a Raja and his feudatories, and look to the origin and the condition of both, and the ties which alone can hold such associations together." But, it is submitted, that usage also governs the political relationship of the parties. Long established usage is the best and the only criterion of finding out the rights and liabilities of a community or chiefship. "Whether then, in the case of an Indian community, claiming to be treated as a Native state, these divisible powers of sovereignty vest in one chief or are distributed, and if distributed, in what mode and to what degree, they are distributed, are questions of facts to be decided by the evidence of treaties, or by that of usage, and **usage is the more cogent of the two.**" (Lee Warner p. 31). Curiously enough the powers of the chiefship of Uniara are not only supported by its early history but also by treaty of 1818 and the old established usage. Even when a document be discovered in contravention to the usage, it is the latter, that is followed. As Lee Warner observes : '**Occasionally a conflict arises between the written document and the evidence of usage, and in such cases superior weight is given to the latter, whenever the final decision rests with the executive Government.**' Ibid p. 32.

The relation between the two political communities may not be put in black and white and no formal treaty or engagement be put down on paper. But usage once established between the two will govern their future relationship. "There are some states with which no treaties of any sort have been concluded, and yet by long usage as well as in the spirit of the acts of Parliament, they are as much entitled to the protection of Her Majesty as if their relations were fully expressed in writing.....The only document which the Mohammedan ruler of Savanur in the Bombay Presidency, can appeal to as his little deed, is the Sanad of adoption issued to him by Sir John Lawrence in 1866. The delay in the issue of his Sanad was due to the doubts as to whether Savanur, could be described as a treaty Jagir, *civitas foederate*, and the decision in its favour was based on the evidence of usage and the argument of analogy." Lee Warner Page 40. The fact, that no formal treaty was ever drawn up between Jaipur and the Uniara chiefship regarding their mutual rights and obligations,

is no obstacle to the determination of the question, whether one particular right is vested in Jaipur or Uniara. It can be and should be determined by the usage regarding the enjoyment of the rights.

The importance of usage was recognised by the Butler Committee; "Usage has shaped and developed the relationship between the Paramount Power and the states from the earliest times almost in some cases as already stated from the date of the treaties themselves. Usage is recited as a source of jurisdiction in the preamble to the Foreign Jurisdiction Act 1890 (53 and 54 VI. C. 37) and is recognised in the decision of the judicial committee of the Privy Council. Usage and sufferance have operated in two main directions. In several cases, where no treaty engagement or Sanad exists, usage and sufferance have supplied its place in favour of the states. (Butler Committee Report page 24 para 40).

The question of usage assumes all the greater importance on account of the 8th clause of the Jaipur Treaty, "The Maharaja and his heirs and successors shall remain absolute rulers of their country, and their dependents, according to the long established usage." By usage complete internal autonomy or sovereignty of the chiefship is established and the present claims of the Durbar as set up in the report are groundless.

It may be argued, that by usage or convention after 1818, Uniara has disappeared from the political map of India and the Durbar has acquired some sovereign powers over it i.e. representing it to the British Government making agreements binding not only the Khalsa area, but the entire Jaipur State including Uniara, assuming of responsibility for peace and good government throughout the Jaipur State including Uniara, etc. As Uniara was originally enjoying full internal sovereignty, so it has a right to enjoy all those powers except to the extent to which any part of the Rao Raja's powers have been transferred to the Durbar. To that extent of such transfer whether it be by express or implied agreement the sovereignty of the chiefship becomes vested in the Durbar, while all the sovereign rights, privileges and dignities not so transferred remain vested in the chief of Uniara. The complete sovereignty of the chiefship is divided between the chiefship, the Durbar and the British Government. By the

Treaty of 1818 and subsequent usage, the paramount power acquired the external as well as a portion of the internal sovereignty over the chiefship. The Durbar also secured powers of general supervision over the chiefship. All the other residuary powers are still vested in the Rao Raja. An express or implied agreement or long acquiescence on the part of Uniara in a state of affairs coupled with the willingness to have a particular power enjoyed by the Durbar, can transfer any power of sovereignty to the Durbar. The question of usurpation does not arise for it is not the case of the state that the Durbar wants to steal a march over his kith and kin and unjustly deprive them of their legal powers and privileges.

It is therefore submitted that in each case of the disputed right the onus lies on the Durbar to prove that the right has been transferred to him at some time or the other, either by express or by implied agreement or by continued practice of the parties.

A few submissions may be made regarding the present committee appointed for an inquiry regarding the status of Uniara. The Treaty of 1818 limited the powers of the Durbar over his dependents to those that he enjoyed before 1818 according to the long established usage. Sir David Ochterlony in the same year guaranteed the status and privileges of the nobility. The Government of India and the State have uptill now regarded Uniara as an autonomous unit enjoying full administrative powers. Now a Committee of Enquiry has been instituted by the Durbar to go into the status of the chiefship. It is submitted, that, such an inquiry can only be made either by a common board of arbitrators appointed by the parties, or by the Political Resident. The fifth article of the Treaty clearly lays down, that in case of dispute with any one, it shall be submitted to the arbitration of the British Government. It may be argued that this clause in the treaty is governed by Article 8 of the same document. But that article limits the absolute ruling powers of the Maharaja, to what he enjoyed by long established usage. Any encroachment on the powers of the vassal chiefs would bring the matter under Article 5 of the Treaty. There are similar mediatized vassal chiefships under Gwalior, Indore, Cutch etc., in whose cases it has always been held that the British Government shall act as the arbitrator of their disputes with their Maharajas.

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The Rajputana states supply no precedent to the Jaipur vassal chiefs, for the provisions of article 8 of the Jaipur Treaty are not to be found in the treaties of the other states. But even as regards Jodhpur (in whose treaty provisions of Article 8 of the Jaipur Treaty are absent) the British Government held as follows. "Our obligations to maintain the just authority of the Rajah does not absolve us from the duty of securing the rights of the subjects, violation of which cannot in any form or under any pretext, be sanctioned, by the British Government." The obligation to maintain the lawful authority of the Raja was felt to be equally binding on that Government with the acknowledged rights and privileges of the Thakurs of Marwar. (Adam to Ochterlony, 5th Sep. No. 17—Bengal Secret Consultation, 5th Sep. 1818).

It is therefore submitted that a committee constituted like the present one has no jurisdiction to give any decision regarding the political status of Uniara.

Apart from that it is submitted that Mr. Wills having already made his tentative conclusions can not function as a judge and preside over the tribunal.

CHAPTER XII

MINES AND QUARRIES.

Mr. Wills denies the mining right of Uniara Thikana, and claims it to be a sovereign right, but later on limits the operation of his principle to the Major Minerals—by which he means precious stones, metals, coal and oil. As regards the Minor Minerals *i.e.* "Minerals under quarrying rights" comprising kanker, limestones, patti katla, sand, quartz, sandstone, trap, slate, orchres, marble granite, ballast, cheza Stone, and pottery clay, he concedes that the Thikana has acquired a prescriptive right over them by long usage. For minor mineral his recommendation are:—

1. That the Thikanas including Uniara may work up, quarry or lease out the right of extracting minerals situated in their respective areas, but the Durbar having a superior right, can extract, free of charge for a public purpose, any of the minor minerals wherever found in the length and breadth of the State. Mr. Wills does not restrict the public purpose to the locality *i. e.* the Thikana in whose area the minor minerals are extracted and thus leaves with the Durbar extensive powers to work out quarries in one Thikana for the purpose of the entire Jaipur State.

2. That no Thikana should grant any mining lease for the minor minerals for a period extending more than one year without the prior approval of the State.

3. That on assumption of a custom cordon embracing all the Thikanas, an export duty may be levied on the minor minerals. The export tax on minor minerals can then be regulated so as to yield to the state its share of the royalty on any particular local product, found in such quantity and quality as to command a market outside the State, while the royalty the Thikanas will be able to impose will necessarily be limited by the market value within the State of such minor minerals". (Wills Report p. 103).

The proposition that the mining right is a sovereign right lacks authority. Its very propounder is not sure of its universal application

(See Wills Report p. 101 and para 182) and Col. Tod, the much maligned author of the *Annals of Rajasthan* is called in support of the doctrine. Mines have everywhere, and always been regarded as a property subject of ownership by private individuals, Zamindars, corporation etc., Mr Wills himself admits that the landlords of England own the mines in their respective areas. Often it happens that surface rights are owned by one landlord and the mining rights by another. In British India Bengal Zamindars are recognized as the owners of both the surface and the under-ground rights....."Cojus est solam ijus est usque ad coelum et inferos".....whose is the soil, his is also that which is above and below it. "The owner of the surface is entitled ex jure naturale to everything beneath or within it".....(33 Cal. 54).

It is quite thinkable that mining rights may be owned by a State in those areas in which it enjoys the Zamindari power, or in other words where the proprietorship of the land is vested in the State. But such a case can not clothe the right with sovereignty in the same sense as private trade by a ruler cannot make that profession a sovereign profession. Tod's statement that "three things in Mewar are royalties, a subject cannot muddle with

1. 'An' or oath of allegiance;
2. 'Dan' or transit duties on commerce;

3. 'Khan' or mines of the precious stones," should be taken with caution. The statement simply means that in Mewar the mines are the exclusive property of the Maharana, and that in making grants or assignments, only a right to realise rent from the cultivator is transferred to the grantee, and not the under-ground rights of mining. It does not support the proposition laid down in the Report that the right to minerals is a sovereign right. In Jaipur State, the Durbar has not always been keen on such a reservation. Thus when Babai was given in permanent lease to Raja Abhai Singh of Khetri at a quit rent of Rs. 4500/- annually, in 1813, by the very terms of the grant the right to the under-ground minerals was specifically granted to the Raja. In 1818 when Babai was resumed and given on a three years, lease, the right of working out mines was specifically

transferred to Khetri. In a good many grants of Jagirs, the right of mining has been granted to the Thikanedars. The position is like this. A proprietor or landlord is the absolute owner of the land in his possession together with all the rights below and above the surface. He may make a grant of his land to some other man, and by terms of the grant may transfer the underground rights to the grantee or reserve them to himself. The same is with the Jaipur Durbar. In all those Khalsa areas where the proprietorship of the land is vested in the Durbar, the Durbar is also the owner of the minerals and when he makes a grant he may either transfer the mineral rights to the grantee or reserve them to himself. Some Thikanas enjoy the mining rights by virtue of such a grant, *i.e.* Geejgarh; others only own the surface rights.

In those areas where the proprietorship of the land is vested in others, the Durbar can claim no right over the minerals under the surface. Thus Khetri owns the mines situated in the area of the chiefship, and its right is acknowledged by the state and the British Government. Similarly the right of Panchpana Sardars was acknowledged by the State in 1891 during the Babai mines controversy.

It may be here submitted that the principle enunciated by Col. Tod that "An, Dan and Khan" are royalties in Mewar is not of universal application in that state itself. The Khachola Jagir of that state is entitled to levy export duty

To take to Uniara, it has already been shown that the chiefship had an independent origin and that during the time of Sawai Jai Singh it began to pay the tribute that it formerly paid to the Moghul Foudar at Ranthambhore, to Jaipur. In the beginning, the tribute was realised by Jaipur as an agent of the Moghul Emperor, but subsequently the principle disappeared, and the tribute continued to be levied by Jaipur in her own rights. The Jaipur Durbar possesses no proprietorship of land in the Thikana and can claim no right over the mines underneath the surface. *Origo rei inspicit debet i.e.* the origin of a thing ought to be inquired into. To use the words of Col. Tod, "Let the present lords paramount go deeper (than the surface) when they have to decide between a Rajah and his feudatories, and look to the origin and condition of both, and the ties which alone can hold

such association together." As Unara was originally independent of Jaipur it remains to be so, except to the extent of sovereignty which it has transferred to the Darbar by an overtaction or passive acquiescence. The rights so transferred by the chiefship to the Darbar are vested in the Darbar, while all the other powers and privileges still belong to the Rao Raja of Unara. *Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest* i.e. what is mine cannot be lost or transferred to another without alienation or forfeiture. When once it is established that the chiefship was an independent principality outside the boundaries of Jaipur state, it is for the state to prove that a right to the under-ground mines was transferred to it by the Unara family.

Mr. Wills had based his case on the Ijara theory and with the rebuttal of that doctrine, his whole structure of curtailment of the special powers of the Thikana i.e. customs and mines, falls to the ground. It may be argued that the Awan Taluka being a grant from the Jaipur State, the state can claim the underground minerals of that place. But the history of the Awan Taluka has been fully dealt with in Chapter No. VI. and it has been shown that the Taluka was acquired and retained by virtue of arms and that the chiefship even according to the terms of the grants (Appendix F) has the same rights in the Taluka as it enjoys in its Watan i.e. Unara, Nagar, Banetta and Kukor. The Jaipur state can claim no rights to the minerals of Awan even. The chiefship of Unara has thus absolute proprietary title over all the minerals major or minor to be found anywhere in its parganas, and the Jaipur state can claim no right over any portion thereof, except for the public purpose of the Unara chiefship.

It may here further be noted that the implication of the word 'sovereignty' has not been properly appreciated. The word signifies an assemblage of powers to declare war or make peace, external defence, maintenance of law and order coupled with the powers to levy taxes, and all these powers should be exercised independently of any other power of the state. In this sense the only sovereign authority throughout India is the British Crown and according to Mr. Wills' arguments all the mines should pass to the British Government. But sovereignty has always been

regarded as divisible. "Whether, then, in the case of an Indian community, claiming to be treated as a Native state, these divisible powers of sovereignty vest in one chief, or are distributed, and if distributed, in what mode and to what degree they are distributed, are questions of fact to be decided by evidence of treaties or by that of usage". The different native states, to use Lord Reading's words, enjoy a varying degree of sovereignty. Every community enjoying certain autonomous powers possesses that portion of sovereignty. In this sense the Uniara Thikana enjoys certain sovereign powers i.e. the power of levying taxes, the maintenance of Police and Law courts etc. The total amount of sovereignty of the area of the chiefship is shared by the Uniara family, the Jaipur Durbar and the British Government. The argument that 'mines' is a sovereign right is meaningless. Mr. Wills ought to show how the right was transferred by the chiefship to Jaipur.

PRINCIPLES TO BE APPLIED

is no obstacle to the determination of the question, whether one particular right is vested in Jaipur or Uniara. It can be and should be determined by the usage regarding the enjoyment of the rights.

The importance of usage was recognised by the Butler Committee; "Usage has shaped and developed the relationship between the Paramount Power and the states from the earliest times almost in some cases as already stated from the date of the treaties themselves. Usage is recited as a source of jurisdiction in the preamble to the Foreign Jurisdiction Act 1890 (53 and 54 VI. C. 37) and is recognised in the decision of the judicial committee of the Privy Council. Usage and sufferance have operated in two main directions. In several cases, where no treaty engagement or Sanad exists, usage and sufferance have supplied its place in favour of the states. (Butler Committee Report page 24 para 40).

The question of usage assumes all the greater importance on account of the 8th clause of the Jaipur Treaty, "The Maharaja and his heirs and successors shall remain absolute rulers of their country, and their dependents, according to the long established usage." By usage complete internal autonomy or sovereignty of the chiefship is established and the present claims of the Durbar as set up in the report are groundless.

It may be argued, that by usage or convention after 1818, Uniara has disappeared from the political map of India and the Durbar has acquired some sovereign powers over it *i.e.* representing it to the British Government making agreements binding not only the Khalsa area, but the entire Jaipur State including Uniara, assuming of responsibility for peace and good government throughout the Jaipur State including Uniara, etc. As Uniara was originally enjoying full internal sovereignty, so it has a right to enjoy all those powers except to the extent to which any part of the Rao Raja's powers have been transferred to the Durbar. To that extent of such transfer whether it be by express or implied agreement the sovereignty of the chiefship becomes vested in the Durbar, while all the sovereign rights, privileges and dignities not so transferred remain vested in the chief of Uniara. The complete sovereignty of the chiefship is divided between the chiefship, the Durbar and the British Government. By the

Treaty of 1818 and subsequent usage, the paramount power acquired the external as well as a portion of the internal sovereignty over the chiefship. The Durbar also secured powers of general supervision over the chiefship. All the other residuary powers are still vested in the Rao Raja. An express or implied agreement or long acquiescence on the part of Uniara in a state of affairs coupled with the willingness to have a particular power enjoyed by the Durbar, can transfer any power of sovereignty to the Durbar. The question of usurpation does not arise for it is not the case of the state that the Durbar wants to steal a march over his kith and kin and unjustly deprive them of their legal powers and privileges.

It is therefore submitted: that in each case of the disputed right the onus lies on the Durbar to prove that the right has been transferred to him at some time or the other, either by express or by implied agreement or by continued practice of the parties.

A few submissions may be made regarding the present committee appointed for an inquiry regarding the status of Uniara. The Treaty of 1818 limited the powers of the Durbar over his dependents to those that he enjoyed before 1818 according to the long established usage. Sir David Ochterlony in the same year guaranteed the status and privileges of the nobility. The Government of India and the State have uptill now regarded Uniara as an autonomous unit enjoying full administrative powers. Now a Committee of Inquiry has been instituted by the Durbar to go into the status of the chiefship. It is submitted, that, such an inquiry can only be made either by a common board of arbitrators appointed by the parties, or by the Political Resident. The fifth article of the Treaty clearly lays down, that in case of dispute with any one, it shall be submitted to the arbitration of the British Government. It may be argued that this clause in the treaty is governed by Article 8 of the same document. But that article limits the absolute ruling powers of the Maharaja, to what he enjoyed by long established usage. Any encroachment on the powers of the vassal chiefs would bring the matter under Article 5 of the Treaty. There are similar mediatised vassal chiefships under Gwalior, Indore, Cutch etc., in whose cases it has always been held that the British Government shall act as the arbitrator of their disputes with their Maharajas.

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2. That no Thikana should grant any mining lease for the minor minerals for a period extending more than one year without the prior approval of the State.

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(See Wills Report p. 101 and para 182) and Col. Tod, the much maligned author of the *Annals of Rajasthan* is called in support of the doctrine. Mines have everywhere, and always been regarded as a property subject of ownership by private individuals, Zamindars, corporation etc., Mr Wills himself admits that the landlords of England own the mines in their respective areas. Often it happens that surface rights are owned by one landlord and the mining rights by another. In British India Bengal Zamindars are recognized as the owners of both the surface and the underground rights.....“*Cojus est solam ijus est usque ad coelum et inferos*”.....whose is the soil, his is also that which is above and below it. “The owner of the surface is entitled *ex jure naturale* to everything beneath or within it”.....(33 Cal. 54).

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3. ‘Khan’ or mines of the precious stones,” should be taken with caution. The statement simply means that in Mewar the mines are the exclusive property of the Maharana, and that in making grants or assignments, only a right to realise rent from the cultivator is transferred to the grantee, and not the under-ground rights of mining. It does not support the proposition laid down in the Report that the right to minerals is a sovereign right. In Jaipur State, the Durbar has not always been keen on such a reservation. Thus when Babai was given in permanent lease to Raja Abhai Singh of Khetri at a quit rent of Rs. 4500/- annually, in 1813, by the very terms of the grant the right to the under-ground minerals was specifically granted to the Raja. In 1818 when Babai was resumed and given on a three years, lease, the right of working out mines was specifically

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In those areas where the proprietorship of the land is vested in others, the Durbar can claim no right over the minerals under the surface. Thus Khetri owns the mines situated in the area of the chiefship, and its right is acknowledged by the state and the British Government. Similarly the right of Panchpana Sardars was acknowledged by the State in 1891 during the Babai mines controversy.

It may be here submitted that the principle enunciated by Col. Tod that "An, Dan and Khan" are royalties in Mewar is not of universal application in that state itself. The Khachola Jagir of that state is entitled to levy export duty.

To take to Uniara, it has already been shown that the chiefship had an independent origin and that during the time of Sawai Jai Singh it began to pay the tribute that it formerly paid to the Moghul Foujdar at Ranthambhore, to Jaipur. In the beginning, the tribute was realised by Jaipur as an agent of the Moghul Emperor, but subsequently the principle disappeared, and the tribute continued to be levied by Jaipur in her own rights. The Jaipur Durbar possesses no proprietorship of land in the Thikana and can claim no right over the mines underneath the surface. *Origo rei inspicit debet i.e.* the origin of a thing ought to be inquired into. To use the words of Col. Tod, "Let the present lords paramount go deeper (than the surface) when they have to decide between a Rajah and his feudatories, and look to the origin and condition of both, and the ties which alone can hold

such association together." As Uniara was originally independent of Jaipur it remains to be so, except to the extent of sovereignty which it has transferred to the Darbar by an overtaction or passive acquiescence. The rights so transferred by the chiefship to the Durbar are vested in the Durbar, while all the other powers and privileges still belong to the Rao Raja of Uniara. *Quod neun est sine facto meo vel defectu meo amitti vel in alium transferri non protest i.e.* what is mine cannot be lost or transferred to another without alienation or forfeiture. When once it is established that the chiefship was an independent principality outside the boundaries of Jaipur state, it is for the state to prove that a right to the underground mines was transferred to it by the Uniara family.

Mr. Wills had based his case on the Ijara theory and with the rebuttal of that doctrine, his whole structure of curtailment of the special powers of the Thikana *i.e.* customs and mines, falls to the ground. It may be argued that the Awan Taluka being a grant from the Jaipur State, the state can claim the underground minerals of that place. But the history of the Awan Taluka has been fully dealt with in Chapter No. VI. and it has been shown that the Taluka was acquired and retained by virtue of arms and that the chiefship even according to the terms of the grants (Appendix F) has the same rights in the Taluka as it enjoys in its Watan *i.e.* Uniara, Nagar, Banetta and Kakor. The Jaipur state can claim no rights to the minerals of Awan even. The chiefship of Uniara has thus absolute proprietary title over all the minerals major or minor to be found anywhere in its parganas, and the Jaipur state can claim no right over any portion thereof, except for the public purpose of the Uniara chiefship.

It may here further be noted that the implication of the word 'sovereignty' has not been properly appreciated. The word signifies an assemblage of powers to declare war or make peace, external defence, maintenance of law and order coupled with the powers to levy taxes, and all these powers should be exercised independently of any other power of the state. In this sense the only sovereign authority throughout India is the British Crown and according to Mr. Wills' arguments all the mines should pass to the British Government. But sovereignty has always been

regarded as divisible. "Whether, then, in the case of an Indian community, claiming to be treated as a Native state, these divisible powers of sovereignty vest in one chief, or are distributed, and if distributed, in what mode and to what degree they are distributed, are questions of fact to be decided by evidence of treaties or by that of usage". The different native states, to use Lord Reading's words, enjoy a varying degree of sovereignty. Every community enjoying certain autonomous powers possesses that portion of sovereignty. In this sense the Uniara Thikana enjoys certain sovereign powers *i.e.* the power of levying taxes, the maintenance of Police and Law courts etc. The total amount of sovereignty of the area of the chiefship is shared by the Uniara family, the Jaipur Durbar and the British Government. The argument that 'mines' is a sovereign right is meaningless. Mr. Wills ought to show how the right was transferred by the chiefship to Jaipur.

CHAPTER XIII

SUMMARY AND CONCLUSION.

Mr. Wills' finding regarding the origin and the growth of Uniara is erroneous. Mr. Wills has misunderstood the functions of a Foujdar or a Subedar in the Mogul times and his inferences are not supported by history or the Jaipur state papers which he is alleged to have inspected. Sawai Jai Singh never secured the post of the military commandership of the fortress of Ranthambhore on lease, nor ever sub-leased it to the Uniara family. During the time when the lease of the fort is alleged to be subsisting, we find the Muhammedan military commanders occupying the fortress. Neither Sawai Jai Singh nor any Rao Raja of Uniara ever secured the possession of the fortress. For the first time in history, the fort was occupied by Jaipur in 1755. The family of the Muslim Military Commander who held the fort at that time is still enjoying the Jagir granted by the state. It is further not correct that the Parganas of Uniara, Nagar and Banetta were assigned to the Military Commander of Ranthambhore in lieu of his pay.

Since the time of Shah Jehan, long before the alleged lease, the Uniara family had been occupying the Parganas of Uniara, Nagar, Kakor and Banetta, which is proved by the grants made by the different Rao Rajas of Uniara. Rao Chandra Bhan was a Mansabdar of the Mogul times holding a Mansab of 700 Zat and 500 Sowars in the time of Shah Jehan, and was sent to the famous Balkh expedition in 1636 A.D. Fateh Singh, the grandson of Chandra Bhan, was also a Military General of the Empire and was sent by Aurangzeb against Shuja in 1658. After the death of Aurangzeb the Mogul Government tottered and in the time of Bahadur Shah there was a general Rajput revolt and Rao Sangram Singh of Uniara also joined it and in 1708 at Sambhar gave a crushing defeat to the Mogul forces. Jaipur and Jodhpur, still retain the Pargana of Sambhar on account of this victory. In lieu of his help, Sawai Jai Singh granted a village Jaisinghpura

in Kansa to the Naruka chief. The grant is still enjoyed by the Uniara family, and stands a striking refutation of Mr. Wills argument.

The Uniara chiefship was situated in the Sarkar of Ranthambhore which was the most important Sarkar in the province of Ajmer, consisting of 73 mahals or fiefs including the Hara states of Bundi, Kotah, Indargarh, and Rajawat chiefships of Bonli and Bhagwatgarh. The tribute payable by the chiefship of Uniara to the Mogul Government was paid to the Foujdar, as the head of the Sarkar of Ranthambhore was called. After the death of Aurangzeb, Uniara ceased to pay any tribute to the Mogul Foujdar and army had to be sent for its realisation. This was the general practice of all the states within that Sarkar and the tribute came to be called Zortalbi.

Mr. Wills has not properly appreciated the Jagir system of the Moguls as prevalent in Rajputana. The Muslim Jagirdars had no hold in the country. They were not assigned any area of the land, but what was assigned to them was the tribute that these vassal Rajput chiefs paid to the Mogul Empire. Sometimes it was assigned to Jagirdars, and sometimes a portion of it was paid to the king's exchequer, while the other portion was so assigned. All the Jagirdars that Mr. Wills mentions were getting the daims of the tribute from the chiefs who enjoyed full proprietary and administrative powers in their respective jurisdictions.

After 1720 it had become well nigh impossible for the Foujdar of Ranthambhore to collect the tribute from the Rajput chiefs of that Sarkar, Though occasionally he tried to realise the tribute with the help of an army yet with the dwindling resources, lack of help from the Central Government and the defiant attitude of the country in general, the chiefs escaped the payment of the tribute. The Mogul Foujdar was glad to entrust the work of the collection of the tribute to any strong prince on the farming system at a much smaller sum. Sawai Jai Singhji being a great far-sighted statesman, saw that the Empire was doomed, and started on a well thought out scheme of territorial extension. He was the governor or Subedar of the provinces of Agra and Malwa and had a standing army of 20,000 strong. He undertook the work of the collection of the tribute from the chiefs of the Sarkar or Foujdari Ranthambhore on the

farming system. This was done in 1727 and this is how Uniara began to pay its fixed quota of the tribute, that it formerly paid to the Mogul Foudar—though spasmodically—to the Jaipur Durbar. Sawai Jai Singh was an agent of the Mogul Foudar and acquired no political rights over Uniara on account of such farming of the tribute. Some tribute payable by Uniara to the Empire was assigned to certain Muslim Jagirdars. Sawai Jai Singh got himself appointed as the collector of the Jagir dams of these persons also. Thus Uniara was cut off from the Mogul officers and the tribute was realised by Sawai Jai Singh as the agent of the Foudar and the Muslim Jagirdars.

Regarding Awan the state simply recognised the existing possession of the taluqa by the Uniara family in 1749. But, even on the basis of grant from the Durbar, the chiefship has got the same rights and privileges in the taluqa, as it enjoys in the patrimonial estate or watan i. e. Uniara, Nagar, Banetta, and Kakor.

The Uniara family rendered military assistance to the Jaipur State on lot of occasions. It acted as a buffer state between Jaipur and the Marhattas. As the Marhattas had become supreme in Hindustan, it had to become a tributary to the Marhattas, who fleeced it as much as they possibly could. Though connection with Jaipur was retained and on every occasion the Uniara's forces joined with those of Jaipur against the Marhattas, or other enemies of Jaipur, yet apart from the occasional payments of the tribute to it, Uniara was always regarded as an independent administrative unit by Marhattas for the collection of their tribute. This system continued till the end of the 18th century. In the early 19th century Amir Khan came to the forefront and he also joined the Marhattas in taking the contribution from Uniara and Jaipur. During all this time, Uniara, apart from the payment of the tribute, enjoyed full external and internal sovereignty. It could declare war or peace. In the internal administration, it was the master of its own and levied taxes and spent its revenues in any manner it liked. Its relationship with Jaipur was one of the kinship rather than that of political subjection.

In 1818 it was a full sovereign state and was about to enter into an alliance with the British Government, but Jaipur having concluded a

treaty with the British, such an alliance was thought unnecessary and it threw its lot with Jaipur. It began now to regularly pay its tribute to Jaipur, though in the internal administration it retained its autonomous powers. By a special provision i. e. Article 8, the former status of Uniara and the other vassal chiefs was guaranteed by the British Government and it was definitely laid down that the Jaipur Maharaja's powers over them would be limited to what he enjoyed by the old established usage. This especial provision—which is conspicuous by its absence in all the treaties made with the other Rajputana States is a Magna—charta for Uniara and the other chiefs.

The alleged settlement of 1818 upon which Mr. Wills insists never in fact took place, and the articles given in Appendix H. part II of Mr. Wills' report refer to Jagirdars and Ijaradars and not to the vassal chiefs like Uniara. Sir David Ochterlony always regarded Uniara as a separate independent state under the paramountcy of Jaipur, but not liable to internal interference.

Since 1818, it has always been regarded as a vassal chiefship fully independent in its own territories. Some curtailment of its powers regarding police, judicial powers was made during the last minority administration. These are the grievances of the Thikana, and ought to be immediately removed.

As Uniara was originally a full sovereign chiefship, enjoying full powers of internal administration, so it remains to this day, except to that portion of sovereignty, that has been expressly or impliedly transferred to the Durbar by the Uniara family. In every case it is for the Durbar to prove that a particular power which he claims has been transferred to him by Uniara.

The present Inquiry Committee lacks the jurisdiction to make any inquiry or give any finding regarding the political status of Uniara, which can only be made by a board of arbitrators or by the British Resident. The personnel of the Committee further involves a constitutional impropriety, for the business of the complainant and judge have been entrusted to the same gentleman. It is submitted that a comprehensive

SUMMARY AND CONCLUSION

inquiry by an impartial tribunal or a board of arbitrators ought to be made regarding the status of the chiefship, and the matter once for all finally closed.

The chiefship enjoys full proprietary powers, and the mining right being never transferred to the Durbar is vested in the Rao Raja. The Thikana is entitled to all the major or the minor minerals to be found in its area.

The glory of a Rajput State depends upon the strength and privileges enjoyed by its vassal chieftains and its nobility. In lieu of the past connections, the ties of blood and kinship, the voluntary nature of the early relationship between Jaipur and Uniara, its sacrifices in the cause of Jaipur, and above all the steadfast loyalty of its Rao-Rajas to the person of the Durbar are circumstances which will have to be considered by statesmen and administrators. It is hoped that not only will the report of Mr. Wills be officially declared a wrong history of the Uniara chiefship, but its recommendations will also be summarily rejected. Lastly a comprehensive inquiry should be made regarding its political status and the matter be closed once for all.

PART II.

C U S T O M S.

CHAPTER I

INTRODUCTORY.

Mr. Wills denies the right of levying Customs taxes by Uniara, as well as, by other Thikanas whose cases are under inquiry. His arguments may be briefly summed up as follows:—

1. That the right of levying customs taxes is a sovereign right and the Durbar being the only sovereign authority in Jaipur, it can only be exercised by him. Thikanas including Uniara have no right to levy such taxes.

2. That historically, prior to 1818, the Jaipur Durbar and the Thikanas had no right to levy Customs taxes, which was a sovereign prerogative of the Moghal Emperors. The Mapa and Rahdari levies taken by the state and the Thikanas were in the Mogul times no more than irregular levies, which were prohibited by the Mogul Emperors.

3. That by the Jaipur Durbar's treaty with the Hon'able East India Company in 1818, the Jaipur state was recognised as a sovereign state and so acquired the power of levying Customs.

4. That the right of the State was further recognised in the settlement of 1818.

It is submitted that the conclusions of Mr. Wills are erroneous. The divisible nature of sovereignty, the original independent existence of Uniara as a separate chiefship, the system of taxation as was prevalent in the Mogul days and the development of the modern tariffs in India have not been properly appreciated.

In the present arguments, firstly sovereignty and its divisible nature has been fully explained (Chapter II). Then I have dealt with the nature of the Customs taxes. Then the History of the Customs during the time of the Mogul Emperors, the Marhattas and the Hon'ble East India Company has been stated (Chapter IV to VII). It has further been shown that the

Government, it is with the Paramount Power that the ultimate responsibility of taking a remedial action, if necessary, must lie. **The varying degrees of internal sovereignty, which the rulers enjoy, are all subject to the due exercise of the Paramount Power of this responsibility."**

The authors of the Montford Report thus put the position of the Indian States :—

"The States are guaranteed security from without; the Paramount Power acts for them in relation to the foreign powers and the other States, and it intervenes when the internal peace of their territories is seriously threatened".

In this light the argument of Mr. Wills implies that the native States of India have no right to levy any customs-duty at all for none of them enjoys any sovereign status. The argument may be adopted by the Congress Politicians for taking away the customs-rights of these States.

Sovereignty has always been regarded as divisible. As Sir Henry Maine observes, "A Sovereign who possesses the whole of the aggregate of these rights is called an independent sovereign; but there is not, nor has there ever been anything in the international law to prevent some of these rights being lodged with one possessor, and some with another. Sovereignty has always been regarded as divisible. It may perhaps be worth observing that according to the more precise language of the modern publicists 'Sovereignty' is divisible, but independence is not. Although the expression 'partial independence' may be popularly used, but technically it is incorrect. Accordingly, there may be found in India **every shade and variety of sovereignty**, but there is one Independent sovereign the British Government." In this light all the Indian States enjoy some sort of internal sovereignty. But all the States do not possess equal power. There are States like Nizam Hyderabad, Mysore, Kashmere, Jaipur which enjoy the power of life and death and can award capital punishment. There are others, which can award Capital punishment only with the approval of the British Political Agent. There are others, who enjoy the powers of a District Magistrate. Some have got even lesser powers. They all enjoy varying degrees of sovereignty. Again there are States, judgments of whose courts

are final and no appeal lies to the British Government, while regular appeal lies from Judgments of some States to the British Political Resident stationed there. Some States maintain their own regular police force, while in some others the British India Police serves the purpose. In revenue and civil matters also most States enjoy absolute powers, while others enjoy limited ones. Thus "the petty States of Kathiawar and Gujrat, numbering 286 of the total, of 327 in the third class, are organised in groups called thanas under officers appointed by the local representatives of the Paramount Power, who exercise various kinds and degrees of criminal revenue and civil jurisdiction". Vide Bntler Committee's Report. Page 137. Mr. Wills does not point out to us the line of demarcation, when a State acquires the power of levying customs.

As sovereignty is divisible, what-ever power legally exercises some rights of sovereignty, can be called to be enjoying a particular degree of sovereignty. In this sense, Uniara also enjoys some degree of sovereign rights, for, it has got its own police, it enjoys some civil criminal and revenue jurisdiction, i. e. in short the Thikana is running on its administration as an administrative autonomous unit, levying its own taxes and spending the revenues over some of the primary functions of the Government as well as over some social services such as maintaining Schools and Hospitals. The principle enunciated by Mr. Wills does not affect at all the rights of the Uniara Thikana to levy customs taxes.

As already pointed out, Uniara was originally independent, possessing the same degree of sovereignty as was enjoyed by the Amber Raj. As the Thikana came into the orbit of Jaipur, it accepted suzerainty of the Jaipur Durbar, and began to pay to it a fixed tribute. In 1818, its position was such, that, an alliance with the East India Company was talked about. By usage and conventions, it has lost certain rights, which have now been vested in the Durbar. As it was originally independent, so it still remains independent, except to the extent, to which any part of the Uniara Rao Rajas's sovereignty has been transferred to the Durbar. Those powers so transferred are vested in the Durbar, while all the other rights, privileges and dignities, not so transferred, remain still vested in the Rao Raja of Uniara. Sovereignty of the Thikana is divided between the Thikana and

the Durbar, similarly as the sovereignty of the Jaipur State is divided between the British Government and the Durbar. The onus lies on the Durbar to prove that a particular right has been transferred to the Durbar. It is an admitted fact that a right to levy taxes including customs has never been expressly or by implication transferred to the Durbar. Uniara has always been regarded as *Ilaqa Gair* in the matter of customs. This is not even the case of Mr. Wills, that, the right of levying customs was ever transferred by the Thikana to the Durbar. His case is, that the Thikana originated out of a lease granted to the ancestors of the Rao Raja of Uniara. The lease theory is fully dealt with in Vol. I. of the arguments.

Apart from its original growth the Thikana enjoys administrative autonomy, that is some degree of internal sovereignty, in the matter of levying taxes and running on the administration. It cannot be said, that it has no sovereign power whatsoever. Most of the Gujrat States were paying tribute to Gaikwar, the Peshwa or Sindiha. There are similar States in Central Provinces, which were feudatories of the Bhonsla Raja of Nagpur. Similar is the case with the most of the Central Indian States. These States have been transferred from the suzerainty of the different States to that of the British Government, but such transfer does not affect their original position and status. They are all enjoying a varying degree of internal autonomy or sovereignty. Even at present there are autonomous units in the different States, whose position is quite analogous to that of Uniara. There is the estate of Kushalgarh in Banswara State. There is Indergarh close by in the neighbouring State of Kotah. There is Lava-a vassal of the Nawab of Tonk. All these States enjoy much less administrative powers, than those enjoyed by the Thikana of Uniara, but, as yet no constitutional jurist has challenged their power of levying customs.

The arguments of Mr. Wills, that the Thikana of Uniara cannot levy customs duties, because it has no sovereign rights, amounts to simply begging the question in a circle. Sovereignty is but an assemblage of powers like the levying of taxes, the maintaining the Police and the law courts, the carrying on of the administration, the right of making war or peace etc. The argument put in a nut shell is like this:—"the Thikana.

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cannot levy taxes because it has no sovereign rights and the Thikana enjoys no sovereign rights because it cannot levy taxes." The argument of Mr. Wills has thus got little force. The very exercise of a power invests the Thikana with a proportionate degree of sovereignty. In the present case, the Thikana not only levies the taxes, but spends them too for running the administration.

It is further to be remembered that the right to levy customs cannot be separated from the general right of levying of taxes. It is ridiculous to argue, that a Thikana has general right to levy taxes, but, that it has no right to levy customs. The imposing and levying taxes is as much a sovereign right as the custom is. A State or a Thikana, that enjoys the power, may impose a fresh tax and may abolish an old one. It may change the rate of duty or the manner of realising it by specific or advalorem way. It may realise its revenue by direct or indirect taxation. For the purpose of promoting its industries, it may totally prohibit certain imports or in the days of famine stop the export of food grains. The customs taxes are but only a part of the fiscal system and as long as the existence of the system is legal, it cannot be said that the Thikana has got no custom-rights.

The Thikana Uniara has full fiscal powers of imposing, abolishing and levying taxes. The Thikana levies its own court fees, stamp duty and registration charges. It levies the town and the market duties. Certain kind of house tax is also levied in Uniara as in the Jaipur State. Fines realised in criminal cases also go to the coffers of the Thikana. Besides these, many other taxes are prevalent in the Thikana. These are all sovereign rights in the same sense as the customs is, that is, they can only be levied by an administrative authority, which has the power to levy the same and spend it for its own local purposes in any manner it likes. In the present circumstances the Thikana's power to levy customs cannot be denied by any constitutional jurist.

Much capital is being made out of some statement of Mr. B.J. Glancy, the last President of the Minority Administration. The legal adviser of the Thikana has no access to the different departmental files and conse-

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quently is not in a position to make any comments or criticism on the above. But as the main argument of Mr. Wills has been answered, any criticism of Mr. Glancy's remarks is unnecessary. If the case had been so simple as Mr. Wills leads us to believe, there would have been no necessity of waiting for so many years and having a report made by Mr. Wills over the question.

The motives are transparently visible. The bogey of the sovereign rights is raised for using it as a lever for forcing the Thikanas concerned to agree to the proposal of handing over their customs rights to the Durbar and taking some monetary compensation in return, for, as Mr. Wills writes about Sheikhawati; "the Sardars would never be willing to forego their rights, and agree to the establishment of the Raj Chowkies in Shaikhawati unless considerable pressure is brought to bear upon them." The sovereign right theory is the necessary pressure.

CHAPTER III.

NATURE OF CUSTOMS TAXES.

Prior to the age of democracy in the west, the greater part of the revenues of a state was derived either from the land tax or from the indirect taxes. In the Autocratically governed countries of the orient, the major portion of the State's income is derived from the indirect taxes. It is only with growing civic consciousness of the people, the passing of the power from the autocrats to the masses, and the establishment of a Parliamentary form of Government, that the direct taxes have come into prominence. Still they form an infinitesimal part in the fiscal administration of the Rajputana States

Among the indirect taxes, taxes on the sale or transportation of the commodities occupied a prominent position in the budget of every State. All such taxes were called customs. Thus the word Customs includes the following taxes :—

(a) Market tax or tax on the sale of commodities in a particular market place equivalent to the Indian Mapa.

(b) Import duty.

(c) Export duty.

(d) Transit duty.

(e) Internal transit duty, that is, duty on the transportation of the goods from one province to another or from one country to another in the same State.

"Special customs were levied on goods passing between England and Scotland, and the trade of Ireland with Great Britain and with foreign countries, was subjected to fiscal regulations, which could not stand in the light of the public reason. The taxes levied on the warrant of some ancient grant or privilege, upon cattle, or goods at a bridge, or a ferry or other point of passage from one country or province to another, of which

there are some lingering remains even in the United Kingdom, and those levied at the gates of the cities on the produce of the immediate country—a not uncommon form of Municipal taxation on the European continent, are all in the nature of customs duties. It is from the universality of the practice that the English term "Customs" appears to have been derived. (Encyclopaedia Britannica 11th. Edition Vol. VII page 668-669).

There are other dues like Harbour dues, octroi tax etc., for local purposes. "Such dues in the nature of Customs are very common in continental cities and yield large revenue to the local authorities, although they have been very generally, though not universally, abolished in the United Kingdom". (Encyclopaedia Vol. XXVI page 460).

In official papers the word Customs has been invariably used in similar sense. Thus when Mr. Thomas Niccolls was deputed by the East India Co. to effect a commercial treaty with Sewajee in 1673, he was directed to inquire "What Customs they (Sewajee's officers) will take for the passage of goods through his country to the country of Moguls or Deccan country" (English Records on Sewajee page 250). Mr. Thomas Niccolls while subsequently reporting about his interview with the Marhatta leader writes: "Then I asked him if we should have occasion to carry goods through his country, what customs would be demanded of us. He answered he would consider the matter". (English Records on Sewajee page 251). Again in the treaty made between the parties it was laid down that the merchants "shall have license to transport them whether they please, paying the inland customs". (English Records on Sewajee, Letter No. 471, Dated 6th April 1674).

When the Company acquired the three Presidencies, Customs was levied on goods passing from one Presidency to the other. "The three Presidencies of Bengal, Madras and Bombay administered their own Customs Departments and had their separate tariffs". (Banerjee's Indian Finance in the days of the Company page 208). Again we hear of "Calcutta Customs" being realised on goods going to or coming from Calcutta that is town duty or octroi (Banerjee's Indian Finance page 209). In 1788 it was "judged expedient to abolish the Government Customs

throughout the country, except Imports and Exports)". (Banerjee..... page 210). In 1793 it was decided "by the Governor General in Council to abolish the **Calcutta Customs**." (Banerjee....page 210).

In the Sanad granted by the Hon^{ble} East India Company to the ancestors of Raja Dhiraj of Shahpura regarding the Pargana of Phoolia, the Shahpura rulers are authorised to levy **Customs** in Phoolia Pargana, but to cease to do so in case customs is abolished in Ajmer— (vide Aitchinson Vol. III page 273).

In all historical authorities i.e. Munucier, Tavemnier, Bernier, Hamilton, etc., the word Customs is used for all kinds of taxes on transportation and sale of commodities.

CHAPTER IV

TAXATION IN MOGUL TIMES

FROM AKBAR TO AURANGZEB

Till the end of 17th Century foreign trade of India was practically negligible. India used to export its fine muslins, chints, spices, brass works and other things of fine arts to outside countries and import precious mentals in return. But the total exports to foreign countries were not even 1 percent of the present export trade of India. The import trade was practically nil. As Sir Jadunath Sarkar, the historian of Aurangzeb, remarks, "Foreign trade occupied a negligible position in the economics of the Mogul Empire till the end of 17th Century, on account of its small volume." (Studies in Aurangzeb's Reign page 273). Sir Jadunath Sarkar writes of Aurangzeb's time:—"In the time of Jehangir and Shahjahan the foreign trade would have been a nullity. Internal trade on the other hand was brisk and active. The Moguls constructed fine roads and bridges which are marvel of engineering, still even at the present day. The internal peace that the country enjoyed for a century and a half and the political union of the country had helped the activities of the nature in making India once more rich and prosperous. The splendour of India was much talked of every where. The Mogul court far excelled its contemporary at Versailles in grandeur and magnificence. Big Caravan-Sarais were built for travellers on all important roads. Thus if any indirect tax could bring any revenue to the Imperial Exchequer, it was a tax on the internal trade of the country."

In Section 6 part V of his report, Mr. Wills has made a surprising statement that, "in the Mogul System under Aurangzeb, there was a clear distinction between Customs duties, properly so called, on the import of foreign goods, and the unauthorised levies on the transit and local sale of commodities within the country. The customs duties on imports were levied at 2½ per cent advalorem from the Mohammedans and at 5 per cent from Hindus." We do not know on what historical authority Mr. Wills has made this statement, which forms the main basis of his subsequent

argument. We do not come across any Hindu and Muslim importers in any historical authority—the foreign trade being limited to English, Portugese and the Dutch. Our reading of history is just the contrary. Taxation of imports brought little or nothing to the Public Exchequer while we find inland customs prevailing throughout the length and breadth of the country. Goods were taxed not only when they were taken from one province to another, from one State or Zamindari to Khalsa area and vice versa, but also when they were taken from one place to another in the same province or State.

The following taxes were levied on the transportation and sale of commodities :—

1. Tamgha.
2. Baj.
3. Zakat.

We know absolutely little or nothing about the specific nature of these taxes or about their rates. These taxes are frequently referred to in official Histories of the Mogul Emperors, and purport to be internal customs, transit or market dues. Zakat was popularly meant to be a tax realised from travellers and merchants on the transportation of goods. In all probability, this tax was levied on every provincial boundary for we find different octroi duties levied in all cities.

4. Hasil or Hasil Bazar—Market dues on the sale of commodities. A contemporary view of the system of levying Hasil and Zakat is contained in the following extract from the Chronicle of Shahabuddin Talish as translated by Prof. Sarkar :

“From the first occupation of India and its ports by the Mohammedans to the end of Shahjehan’s reign, it was a rule and practice to exact Hasil from every trader, from the rose vendor down to the clay vendor, from the weaver of finer linen to that of coarse cloth—to collect house tax from new-comers and hucksters, to take Zakat from travellers, merchants and stable keepers. As Sadi has said. “At first oppression’s basis was small; but every successive generation increased it, till at last in all provinces,

especially in Bengal, it reached such a stage that tradesmen and merchants gave up their business and house holders took to exile, saying—

“We shall flee from the oppressiveness of the Age,
To such a place that Time can not track us there.”

(Sarkar: Studies in Aurangzeb's Reign p. 171).

From the nature of the description, it appears that Hasil Bazar was levied on retailers and artisans, when they brought their goods for sale in the market.

3. The Mogul administration maintained a distinction between true believers and Hindus in the matter of levying such a tax. So while the Muslims had to pay only $2\frac{1}{2}$ percent advalorem duty, the Hindus were subjected to 5 percent advalorem duty. The tax was not leviable when the price of commodity was below the 'nisab' or quranic minimum Rs. 52/8/- (Sarkar's Moghal Administration. P. 93.)

5. Rahdari :—Rahdari appears to have meant originally payments for travelling guards, (Moreland: Akbar to Aurangzeb. Page 286). or Rahdars who provided protection to the merchants from plunderers and thieves. It was a kind of road patrol tax. Formerly it was a common principle of administration that the Chowkidars who guarded the roads, or the zemindars in whose territories the roads lay were responsible for all kinds of thefts and robberies. They had to pay to the person robbed from their own pocket the amount of the loss suffered by him. It may be taken as a kind of insurance dues against robberies and dacoities on the roads. Prof. Sarkar puts the rate of the tax at $1/10$ of the value of merchandise. In Jaipur State the word 'Rahdari' has adopted a liberal significance and includes all kinds of taxes on transportation and sale of commodities.

6. Mir Bahari :—This tax seems to mean sea Custom on export and import trade—(vide Prof. Balkishan : History of Sea borne trade between England and India Page 42 ; Punt Commercial Policy of the Mughals Page 84). Goods when brought by sea were taxed at the harbour at the rate $2\frac{1}{2}$ percent advalorem. (Ain. 1873. Edition Vol I page 281). Prior to Akbar the rate of the tax was somewhat higher but Akbar reduced the sea customs to $2\frac{1}{2}$ percent advalorem. The author of Ain-Akbari thus

remarks—"His Majesty Akbar from the excess of his beneficence, had remitted duties in this department (Sea Customs) that equalled the revenues of a kingdom.. Nothing is now exacted upon exports and imports except a trifle taken at port which never exceeded two and a half percent and this demand is so inconsiderable that the merchants account this reduction a perfect remission." (Ain translated by Gladwin, Vol I, Edition 1800, Page. 233).

7. Mehal or River Tolls:—There were also river tolls just like Rahdari. The scale of such taxes according to Ain was as follows: -

If the boat belonged to owner Rs. 1/- per Kos for 1000.Mds.

If the boat belonged to other man, Rs. 1/- per $2\frac{1}{2}$ Kos for 1000 Mds.

At ferry an elephant had to pay 10 dams for crossing, a laden cart 4 dams, empty 2 dams, a laden camel 1 dam, empty camel, horse cattle $\frac{1}{2}$ dam, other beasts of burden paid $\frac{1}{16}$ dam which included toll due from the driver. Half of the tolls went to the State and the other half to the boatman. (Ain. 1873, Edition Vol. I, page 281).

According to another authority "a boat proceeding to Murshidabad was charged at the rate of eight annas per oar, to Calcutta 10 annas, and to Benares Rupee one and annas eight, while boats arriving from these places were taxed at the rate of one, two and four rupees per boat. The Mehal was originally confined to the city, but it afterwards extended to the country, where it was exacted by the Zamindars and farmers from every boat that passed their estates. It was considered useful in leading to the detection of dacoits, as a registry of the boats, manjees (rowers) and boatman belonging to each district was kept by the Zamindars. (vide Taylor's Topography of Decca page 198-199, Radhakumud, Mukerjee, A History of Indian Shipping and Maritime Activity from the Earliest Times, page 211).

8. Octori duties:—"The levy of duty on goods brought into a city for consumption was certainly a recognised institution. In the sixteenth century those duties were familiar in Vijaynagaram, where nothing could come through the gates without payment, and even head-loads were charged, while Akbar's regulations for urban administration recognise and define

the taxing power of the Kotwal, or city Governor. We may say that octroi formed part of the system of local taxation during our period, and probably its incidence varied in practice with the individuality of the administration". (Moreland: "From Akbar to Aurangzeb, page 293):

9. Tolls or internal transit duties:—They were of the nature of a toll levied in every sub-division of a district on each load of goods or produce passing through it or imported for consumption therein or exported therefrom, to other sub-divisions. "Each sub-division was taken as a unit. The goods moving within it were free from duties until they reached the frontier". (N J. Shah, History of Indian Tariffs. Quoted by Punt, in his "Commercial Policy of the Moguls", page 83).

"Therefore the burden of transit duties depended not on the quality of goods, but on the quantity of goods and the distance they had to be carried. This principle is so important that we may illustrate it by an example. One bullock-load of velvet passing through one sub-division has to pay, say ten rupees. The same load of the same quality of velvet having to pass through ten sub-divisions, the amount of the tax that it would have to pay would be one hundred rupees, as toll duty was charged on ox-load, or bullock-load, or cart load, or camel load etc. per sub-division, with reference to the kinds, and not the value of loaded goods. It was of the nature of specific duty. The system in India then offered a comparison with the German system prior to the formation of the Zollverein." (Punt; Commercial Policy of the Moguls, Page 83).

This duty seems to be levied for purely local purposes by villagers. By its very nature it was extremely vexatious. Tavernier who visited India in the 17th century found sixteen taxing posts from Aurangabad to Golconda—a distance of 23 leagues. (Moreland: India at the death of Akbar Page 49-50).

Mr. Wills has apparently confused Hasil and Zakat with Mir Bahri and has given much prominence to the latter. At the same time he ignores the other taxes. According to Mr. Wills, apart from sea customs or Mir Bahri all other taxes were prohibited abwabs. This requires further scrutiny.

Shah Jahan did not promulgate any decree prohibiting the levying of any of the above mentioned taxes. Aurangzeb was an orthodox Sunni and the basic principle in his time "was the economic starvation of the Hindus. Taxes on bathing in the Ganges, carrying the Hindu dead bodies to the cremation ground, Hindu Marriages and births and diverse other taxes like the hated Jaziya were mercilessly applied in order to end the Hindu or force them to accept Islam. Never in the History of India was the political and economic machinery of the government so set in motion to grind those subjects who were not of the same faith as that of the King, as it was in the reign of the last of the Great Moguls." (Pant. Commercial Policy of the Moguls page 230).

Much capital has been made out of a certain decree of Aurangzeb promulgated in 1660 abolishing Rahdari tax on food grains. (Alauqir

Namah Vol. I page. 435). But this does not mean that all internal customs were abolished by Aurangzeb. Even this decree of Aurangzeb was limited to Khulna domain, and though the Jagirdars were expected to abolish this tax on food grains for public good, the Emperor's orders never directly applied to the Jagirs and zemindaries. (Sarkar : Aurangzeb Vol III page 78). How far the field of this tax was limited may be judged from the fact that in 1647, annual income from the reserved area was taken as 3 crores of rupees while the aggregate from the Empire was 22 crores (Vide Abdul Hamid Tashori: Badshahnama Vol. II page 713—Moreland Agrarian System of the Moslem India page. 125). Thus roughly speaking a decree promulgated by the Mogul Empire could only be enforced in 15 percent area of his Empire.

All other taxes like Zakat, Husil Bazar, Ostroi duty, Mehal or river tolls were levied with the greatest strictness and rather their rates were increased. A list of the prohibited abwabs in details is given by Prof : Sarkar in his Moghul administration page 93. The list is greatly based on Mirat Ahmadi. There is one small mistake in the list. It does not specify the nature of Rahdari duties. Only Rahdari on grain was prohibited abwab.

The contemporary European travellers throw sufficient light on the subject. Niccolas Manucci who stayed in India in the later part of Aurangzeb's reign in his *Storie De Mogor* mentions the existence of internal customs duty and puts its scale as 5 percent for Hindus and 2½ percent for Muslims. Manucci also states the existence of sea customs or Mir Bahari which according to his estimate did not bring more than 30 lakhs of rupees to the Imperial Exchequer (Niccolas Manucci "*Storia De Mogor*" or *Mogul India*. Vol. II page 415).

Manucci at one place refers to the payment of Rs. 5000/- per day by the farmer of taxes of Delhi for tobacco alone. He adds that as a result of outrage committed by the collector this duty was abolished.

This clearly signifies that town duties were levied in Delhi.

Travernier, the famous French jeweller, who visited India in Aurangzeb's time was a keen observer of things and in his famous travels,

he has narrated his own experience of the working of the system of inland customs. "It is at Balleda that loaded carts pay the Burhanpur customs dues". (Travernier's Travels in the Mogul Empire, Edited by V. Ball. 1889 Edition, Vol. I page 50).

Even in the very province of Agra inland customs were realised, "It is not far from this bridge—(Jajau ka-Pul—Bridge of Jagou) as Tavernier writes, "that they examine goods so that when you reach Agra, you are not able to evade the dues". (Travels Vol. I page 65).

"Customs had to be paid at Broach on all goods whether imported or exported". (Travels Vol. I page 66).

The tax on merchandise was very strictly realised at Allahabad. "For on each side there is a Darogah (tax collector) who allows no one to pass without an order, and he takes note also of the kind of merchandise carried, cart waggon being charged 4 rupees, and a chariot paying out one, without counting the boat for which it is necessary to pay separately".—(Travernier's Travels Vol. I page 117—Punt-Commercial Policy of the Moguls page 231).

Again he writes of Benares:—"I crossed the Ganges with the pass-port of the Governor. They examined all travellers' baggage before embarking in the boat, person pays nothing, and it is only on merchandise that one must pay duty".

In the province of Bihar he had to pay customs duty near Daudnagar. "I crossed in a boat the river Sonsan (Son) which comes from the mountains of the South, and after crossing it, those who have goods have to pay customs duty".

According to Travernier's estimate, all goods on their way from Agra to Surat had to pay something like 15 to 20 per cent on packing, carriage and customs. (Travels Vol. II page 24).

Travernier being a jeweller made some purchases of diamonds and had to pay Rs. 2/- per cent duty on purchases which went to the King. (Travels Vol. II page 19).

The burden of such inland customs, was so heavy that Travenier secured a pass-port from Shaista Khan for being allowed to travel duty free

from the port Surat to Delhi. It is addressed to the agent and officers of customs and tolls and to all the guardians of the road—between the port of Surat and the court of Jahanabad. (Travels Vol. I page 404). Who were the Officers of Customs between Surat and Delhi when according to Mr. Wills, there was no inland customs throughout the length and breadth of India? Tavernier also secured another pass-port from the Emperor Aurangzeb himself through the Emperor's uncle Zafar Khan, which exempted him from paying any transit duties, but which required in the event of sale that he should pay customs dues on whatever he had sold. Tavernier desired to secure more liberal terms, whether he sold any commodities or not. But Aurangzeb, being a very strict upholder of law, could not grant this request. Tavernier was assured by Zafar Khan "that it was the most favourable pass-port of this kind which the king had yet given and that according to custom it could not be otherwise:—(Tavernier Travels Vol. I page 401).

If Mr. Wills is to be believed, in Aurangzeb's time inland customs were nothing but unauthorised levies, which had been forbidden within the Empire. But here we find the self same Emperor insisting on payment of duty on the sale of imported commodities.

CHAPTER V

THE CONDITION OF THE HINDU RAJAS IN THE MOGHUL TIMES

The Hindu Rajas of Rajputana and other states or zamindaries as they were styled by the official historians enjoyed absolute authority in their states. They levied customs duties when goods were exported from or imported in their territories or transported through them. The decrees and the orders of the Moghal Emperors never affected them.

Travernier writes of two such Rajas between Agra and Ahmedabad—“There are Rajas or petty tributary princes, who interfere with trade, each claiming that the goods ought to traverse his territory and pay him custom. There are two in particular between Agra and Ahmedabad, one of which is the Raja of Antiwar, (Dantiwar or Danta) in Gujrat and the other Raja of Bergaum, who disturb the merchants much in reference to this matter. One may however avoid passing through the territories of these two princes by taking another rout from Agra to Surat by way of Sironj and Burhanpur, but there are fertile fields intersected by several rivers, the greater number of which are without bridges, and without boats, and it is impossible to pass until two months after the rainy season. It is for this reason that the merchants who have to be at Surat in the season for going to sea generally take the way through the country of these two Rajas, because they are able to traverse it in all the seasons, even in the time of the rains which consolidate the sand with which nearly the whole of the country is covered”—(Travels Vol. I page 37).

Again he writes of Burgaon (Wargaon-Jodhpur) “as the territory of a Raja where one has to pay Customs” (Travels Vol. I page 84).

That the imperial orders or decrees, or rules of taxation were not intended to apply “to the Hindu Chiefs or Rajas whose territory lay within the Empire, is apparent from a comparison of the first and final settlements of the English troubles at Surat. In the first settlement, when the Moghuls were temporarily helpless, the exemption (from payment of customs

duty) was granted, among other places for the territory of the Raja of Dhaita, but in the second, when the Mughals were the free agents, this territory was not included and the exemption was limited to 'the places belonging to the king' a phrase which was obviously intended to exclude the country administered by the chiefs. This distinction had been drawn a few years previously when a request for the exemption of Dhaita was met by the reply that the Prince (Shah Jehan) could not interfere with the Raja's collections, seeing that he supplied the tribute which he paid; and the various incidents in the later year show that as time went on the English recognised that "the demands made by the chiefs, especially in Rajputana stood on a different footing from those of the Moghul officials" (Moreland: From Akbar to Aurangzeb page 288). There are other references to the Raja of Jaisulmere levying customs on the goods going from Lahore to Tatta.

An English Doctor John Parker while writing in 1622 thus complains of a Hindu Raja: "I proposed to have come Handia way; but here I understood, that of late, the Raja of that country, whereas formerly he took only custom now robbeth merchants and passengers of what he findeth with them". (Moreland: From Akbar to Aurangzeb Page 289),

The inland customs paid to the Hindu Rajas materially affected the prices of the commodities, for, such customs enhanced the cost of transportation. Peter Mandy refers to "a contract by which the carriers from Agra to Ahmedabad undertook to discharge all the customs demands in return for the payment of Rs. 45/- per cart and Rs. 9½ per camel load, but it must be remembered that the number of independent chiefs on this route was exceptional and these figures cannot be taken as representative of the country as a whole". (Moreland: From Akbar to Aurangzeb).

CHAPTER VI

INLAND CUSTOMS DURING THE TIME OF THE LATER MOGULS

After the death of Aurangzeb, the Mogul Empire speedily went into decay. The wars of succession, the weak and licentious occupānts of the throne, the degeneracy of the ruling classes, the rising power of the Maharattas and their ambitious schemes of having a Maharatta federation in India, the invasions of Nadir Shah and Abadali and above all the coming into arena of the European nations—all made the kingdom of the Moguls a thing of dreams. During the very time of Aurangzeb, its prestige had been shattered by the activities of the Maharatta leader Shivaji, who with the help of his sword carved out a kingdom for himself, which subsequently became the nucleus of the Marhatta power. The Rajputs who were semi-independent openly defied the Imperial power, and the Jats were emboldened so far as to rob Agra, the very capital of the Empire. After Aurangzeb's death, the distant Governors though nominally styling themselves as Nawabs, Wazirs, Nizāms, or Subedars and claiming to hold the country as agents of the Mogul Empire, automatically became independent monarchs. The surplus revenue which was up till now sent to the Royal Exchequer at Agra or Delhi was now appropriated by them. Even the Foujdars of some places became independent and carved out principalities for themselves. Adventurous people who could gather a few followers, by sheer force of arms, became the founders of petty little states. Later on the Marhatta power was established and a good number of the Marhatta states came into existence. While the silent and peaceful penetration of the East India company made it the strongest power in India by the end of the 18th century. The 18th century was a period of chaos and confusion.

But all this political upheaval, chaos and confusion did not change the existing practice of levying inland customs duty. The duties that were hitherto prevalent in the 16th and 17th centuries were being levied as usual—the only difference being that formerly while the balance of the

revenue over and above the expenses of a province was sent to the Imperial Exchequer, it was now the personal property of the independent Subedar or the newly made Prince who had established his rule over a particular portion of the country.

The following kinds of inland customs were levied all over the country:—

1. Import and Export duties levied at every provincial boundary. Goods passing from one province to another had to pay these duties.
2. Transit duties levied on goods passing from one province to another through a third province.
3. Duties on Sales i.e. Hasil Bazar.
4. Rahadari and River tolls or Mehal.
5. Octroi duties levied when the commodities were brought into a town for sale.
6. Customs realised in a sub-division of the district for purely local purposes.

Shivaji, though he flourished in the 17th century, represents the present period rather than the period of the Mogul glory. He used to levy all such inland customs in the little Kingdom that he had carved near Konkon. In 1673 Mr. Thomas Niccolls was deputed by the Bombay factory of the Hon'ble East India Company to secure some sort of fiscal agreement from the Marhatta leader regarding the payment of duty on goods passing through his territories to other provinces. In the instructions dated 17th May 1763 Mr. Thomas Niccolls was directed by the Bombay Branch as follows :—

“You may also inquire what customs he will take for the passage of goods through his country to the Mogul or the Deccan country and to get his order to the Havaldar for their passage at the lowest rate you can.” (English records on Shivaji—letter No. 357 page 250).

The diary of Niccolls throws further light on the important interview. “Then I asked him”, remarks Mr. Niccolls, “if we should have occasion to

carry goods through his country, what customs would be demanded of us. He answered he would consider of that." On 6th April 1764 Shivaji Raja's Colenama was secured and the English were allowed "to sell their goods in their own factory to any merchants whatever at their own price and they shall have license to transport them whether they please, paying inland customs" (English Records on Sivaji—letter No. 258 p. 473).

When the English East India Company got themselves established in Bengal, they were exempted from all kinds of inland customs. The various agreements entered into by the English with the Subedars of Bengal throw a good deal of light on the existence of the practice of inland customs. Thus by an agreement with Sirajut Doula, the Governor of Bengal, in 1733, it was settled "that all goods belonging to English Company and having their Dusttack, do pass freely by land or water, in Bengal, Bihar and Orrisa, without paying any duties or fees of any kind whatsoever; and that the Zamindars, Chowkidars, Gujar Ghans etc. offer them no kind of molestation on this account." (Aitchison Vol. II page 197).

The Parwanas of Dusttacks issued by the Muslim Governor to give effect to the above agreement are produced in Aitchison's Treaties (Vol.II page 199). They all allowed the goods of the Company to pass up and down the rivers, backward and forward to all the Chowkies whatsoever and without the payment of any Katvara and Manjar or any other taxes.

In 1757 after the battle of Plassey, the Government of Bengal passed into the hands of Mir Jafar Ali Khan who gave a fresh Sanad to the Company exempting their goods from all kinds of duties that is inland customs. The Mutsaddies and officers were directed "not to require or stop their (English) boats on pretence of **Katvara** or other duties on boats whether they be the Company's own boats or boats hired by their Gumastas." (Aitchison Vol. II p. 203).

The Dutch East India Company, when they entered into an agreement with Mir. Jafar, the Governor of Bengal, in 1760, secured from the latter that their trade in the provinces of Bengal, Bihar and Orisa would be free and uninterrupted in all articles whatsoever, excepting the purchase of saltpetre of which the Nawab had granted to the English the exclusive privilege. (Aitchison Vol. II page 227).

In 1760 Mir Kasim was instated on the throne of Bengal by the English, who continued to enjoy the full privilege of the general exemption regarding their goods from the payment of duties. Even the servants of the Company carried on their private trade regarding which they paid no duty. On the other hand the children of the soil were being crushed under a lot of exactions. Corruption soon became rampant and the Indian merchants after paying some illegal gratification to any officer of the Company passed their goods as those of the English. This became an additional source of income with the servants of the Company. The customs revenue of Bengal went down so much so that the cost of realization of customs exceeded the revenues collected. This was the just and reasonable grievance of Mir Kasim which later brought about his downfall. When Vansittort, the English governor, went to see the Nawab Mir Kasim, he complained to the former that "under the name of the English, numbers of merchants passed their goods free of the duty and that by such practice, the English themselves reaped but a small benefit while his customs suffered a mighty loss. He added that "to put an end to such prevaricatory practices it would be proper to submit all the English private traders to the country duties, leaving the Co's own trade as free as ever." This was not agreed to by the Company, whose officers went so far as to arrest a few tax gatherers of the Nawab. Retaliation followed and some English traders who failed to pay the inland customs were arrested and imprisoned by the order of the Nawab. As no compromise could be affected with Mir Kasim "he took himself to the expedient of suppressing all customs and duties whatever from the native merchants or from others." Mir Kasim thus wrote to Vansittort, the English Governor, "that it was notorious that merchants of all sorts made it a practice to pass their own goods under the name of the English agents and that as a release of duties to the latter would in fact amount to a general exemption also to most of the formers, save only a few wretches, too obscure to afford the expense of purchasing protectors, and too poor to afford duties that would be worth perception. he had therefore taken the part to suppress all customs and duties whatever, and to render the exemption general. Since so long as the principal merchants could find means to pass duty free under an English Mask, it would be hard to torment a few poor people who would

submit to duties, but whose contribution would never repay the charges of perception. This enraged the officers of the Company who insisted that he must put things upon the ancient footings, to get the exact duties from the other merchants and led the English property pass duty free." This brought out the war with Mir Kasim and his downfall. (Serul Muntakhrin Vol. II).

It may here be noted that words customs and duties in the above passages referred to inland customs or transit duties, and not to sea customs which were realised by the English themselves at Calcutta. It should further be kept in mind that these duties were not impositions by Mir Kasim, but were realised on ancient footing. Mir Kasim had not declared himself independent of the Mogul Emperor, and he and his English supporters both acknowledged the sovereignty of the Great Mogul. Bengal was at this time just like a province, though an autonomous one, of the Mogul Empire.

In 1765 when Nawab Nadjum-ut-dowla succeeded to the Governorship of Bengal on the death of his father Nawab Mir Jafar Ali Khan, he granted a fresh sanad to the Hon'ble East India Company ratifying and confirming "to the English the privileges granted to them by their Firmans and several Hasbul-hukums of carrying on the trade by means of their own Duttack, free from all duties, taxes, or impositions in all parts of the country, except in the article of salt, on which a duty of $2\frac{1}{2}\%$ is to be levied on the Rowannah at Hugly-market price". (Aitchison Vol. II P. 239).

Similar events happened in the other provinces of Hindustan. After the battle of Buxur, when a treaty was made between the English and the Nawab Wazir of Ondh 1765, it was one of the stipulations of the said treaty that "His Highness shall allow the English Company to carry on a trade, duty free, throughout the whole of his dominions". (Aitchison Vol. II P. 99). The province of Ondh did not touch the sea and the duties referred to here certainly do not mean export and import duties. In 1788 on account of the various representations made to the Nawab Wazir of Oudh and to the East India Company by the merchants trading between the company's dominion and the dominions of His Excellency the Nawab Wazir, setting forth the losses and inconveniences which they suffered from the

heavy duties collected on their merchandise as well as from the mode of levying the same "a treaty of commerce" was drawn by the East India Company and Nawab Asufud-doula of Oudh. By the terms of the treaty the parties "disclaimed all the rights of exemption from duties either for themselves, their subjects, or dependents, or any other person or persons of whatever country or nation." When the goods were transported from the territories of the E. I. Company to those of the Nawab Wazir or vice versa, both the parties levied the duties—one an export duty and the other an import duty. If the goods were transported from the Company's dominions to Oudh, the former issued a *Rawannah*, a receipt of the export duty, which also specified the value of the merchandise. On the said value the import duty was realised by the Oudh Nawab. The same process happened when the goods were taken away from the province of Oudh to the dominions of the Company. "Goods exported from the provinces of Bengal, Bihar and Orrisa, or from the district of Benares to the dominions of the Nawab Wazir after having paid the import duties to His Excellency, according to the rates and in the mode prescribed (in the treaty) if sold in the dominions of the Nawab Wazir" were further "subject to the established local duties of the market or gunge in which they were disposed of"....In like manner, goods exported from the dominions of His Excellency to the dominions of the Company after having paid the import duty in the latter, according to the rates, and in the mode prescribed (in the treaty), if sold in any gunge or market" were subject to the local gunge or market duties. The gunge duties to be thus levied were not to exceed the ancient established rates, to which no addition could be made without the mutual consent of the contracting parties.

The contracting parties further reserved to themselves the right of levying whatever duties they may think proper, on all the goods produced and consumed within their respective dominions and also on their own exports, and on all imports from other countries not under the dominions of the Company or the Nawab Wazir. (Aitchison Vol. II P. 120).

This commercial treaty is extremely important on account of the fact that it explains the duties levied in India in the 18th century. Thus every province could levy its separate export and import duties, while there

were market rates on the sale of commodities. The import duties were realised in a province i.e. transit duty was levied. From the last paragraph it may further safely be inferred that transit duty was also levied when the goods were exported from one place to another in the same province. It is further to be born in mind that this treaty did not originate any fresh practice. The Provincial customs were being levied from the time of Akbar, the only difference being that while formerly the revenues went to the Emperor, now they went to the pocket of the de facto independent governors who acknowledged the nominal suzerainty of the blind emperor, Shah Alam, and styled themselves as Fidvian Shah (servant of the Emperor). This treaty simply simplified the method of taxation and probably abolished a good many taxes and the modes of levying them which were regarded as oppressive.

While studying the fiscal history of India, no importance should be given to the names of export, import or transit duties. Thus when the whole of India was under the direct control of one emperor, like Shah Jahan, duties levied on inter provincial trade may be regarded as transit duties, while the same duties came to be known as the export and the import duties when the provinces became independent. The duties remained just the same. It is further to be borne in mind, that even in the 18th century, when the railways had not come into existence, a system of charging the import and the export duties by the different provinces was prevalent in India.

The agreement and sanads of Raja Chait Singh and Raja Mahip Narain Singh Zamindars of Benares, ancestors of the present Maharaja of Benares, further illustrate the nature of duties levied on transportation of commodities from one Zamindari to a Khalsa area and vice versa and inside the Zamindari itself. By an agreement dated 15th. April, 1776 executed between Raja Chait Singh and the E. I. Company, the duties were fixed according to the details in the following pages. These duties were not prohibited abwabs or unlawful levies, for by the terms of the sanad granted to the Raja on that very day i.e. 15th. April 1776; he was specifically directed "not to collect the prohibited Abwab of the Durgah of His Majesty." (Aitchinson Vol. II page 74, 77).

It is further apparent from the schedule that fresh duties were levied when the goods were conveyed from one subdivision of his Zamindari to the other and by the time the goods reached Ghazipur, they had to pay duties for no less than eight times. At Benares a further duty of 2% was levied on the sales of commodities.

The 18th. century further saw the rise of the Marhattas. Inland customs, duties on sales and purchases and provincial customs formed an essential part of the Marhatta administration system. According to Prof. Sen who is an authority on the subject there were three kinds of customs duties in the provinces directly administered by the Marhattas:-

1. Mahatsufa:—These were duties on trader generally realised per shop or per artisan. They were fixed per annum for every kind of trade.
2. Zakat:—Duties on sales and purchases,
3. Octroi duties.

(Sen: Administrative System of the Marhattas P. 321-330).

Besides the said duties every member of the Marhatta confederacy levied provincial export and import duties when the goods were exported or imported into his province. (Aitchinson Vol. VII P. 9).

It may therefore safely be inferred that inter-provincial or inter-statal customs, duties on sales, transit duties on transportation of commodities within the same province or state etc. were current throughout India during the 18th. century. These duties were not illegal levies for they never were the prohibited abwabs of the Durgah. Apart from the question of illegality, they were levied by every prince or ruler in India, and their legality cannot be questioned by any constitutional jurist at this stage.

CHAPTER VII

IN THE DAYS OF THE EAST INDIA COMPANY.

Inter-provincial Customs: -By the very nature of autonomy of provinces, inter-provincial customs was necessary corollary to the system. Thus if the goods were transported from the province of Bengal to that of Madras, an export duty was levied in the former province and an import duty in the latter. Every Province was just like foreign territory to its neighbour. "In 1846 the Court of Directors sent a very important despatch to the Government of India in which they urged the publication of a general tariff of duties for the whole of British India, the trade from port to port

being left free and unrestrained in all articles with the exception of salt and opium." (Banerjee). This recommendation was given effect to two years later in 1848, when inter-provincial trade was rendered completely free, and the whole of India was now for the first time treated as one Empire. (Banerjee Page 222)

Transit duty according to the ancient legacy that the English had received from the Moguls and the Marhattas was levied on internal trade of every province. When goods were transported from one place to another transit duty was levied. "The Great Zamindars levied tolls on merchandise passing through their territories. The Company too in the beginning retained the old system and duties of varying amount were levied at almost all the stages of journey".

"In 1773 by a resolution of the Government of Bengal, it was directed that every article of foreign or inland trade excepting salt, bettlenuts and tobacco (the duties on which were continued as before) should pay a duty to the Government at $2\frac{1}{2}$ per cent, when imported into or exported from any part of Bengal, Bihar and Orissa whether by land or by water"—(Banerjee).

"Customs Houses for collection of the duties on the trade of the interior in the Presidency of Bengal were established at no less than fifteen places:—

Agra, Benares, Dacca, Mirzapoor, Allahabad, Calcutta, Furukhabad, Murshadabad, Balore, Cawnpore, Ghazipur, Patna, Bareilly, Chittagong, Hoogly (Vide, Himilton's, Hindustan Vol. I Page 37).

The nature of the system may be understood by the fact that if any merchandise were transported from Calcutta to Agra, they were taxed at every customs port passing in the way.

H.T. Princep, a contemporary historian thus describes the Customs system prevailing in Bengal in the early 19th century:—

"The Customs of Bengal consist partly of duties levied on the import and export trade of the country, and partly of an inland transit duty substituted for the abolished Sayer.....The transit duties are levied on all goods, the manufacture of the country, or imported by land into the British possessions. Heretofore the goods were made to pay a separate duty at

each of the Customs houses they passed; so that, according to the length of the journey, they reached the consumer, taxed with a single, double, or triple import."

(Princep: History of the Political and Military Transactions in India—Vol. II page 432).

Apart from the heavy taxation, "there were besides various other payments to be made, such as stamps on—'Rawannas', Commission and fees to Customs masters, etc., which not only were burdensome and vexatious to the merchants but increased the cost of collection." (Harvington's Analysis of the Bengal Regulations, cited by Banerjee at page 211).

This system continued till 1810 when this multiplicity of duties was abolished and the pass or receipt for duty (Rawanna) could carry the goods free from Delhi to Chittagong. One general duty was payable at the nearest station to the place whence the goods were despatched and a Rawanna or permit was issued by the collector authorising the goods to pass without any further payment. Of course the goods were liable for examination at every Customs post that they passed. (Princep Volume II Page 432, Banerjee page 223). As an historian observes "the entire system was oppressive particularly to the small merchants and impeded in no small measure the development of internal trade". (Banerjee, Page 224). The East India Company also adopted the system of farming in the matter of collection of inland customs. In the district, where farming was adopted there was less smuggling and cost of superintendence was saved. Of course it led to extortion.

By the Regulation IX of 1810 the transit duty was raised to $7\frac{1}{2}$ per cent on a large number of articles including cotton yarn and piece goods, silk fabrics, embroidery, cloths and brocade, betelnuts, drugs and gums. Woollen goods, gold and silver, indigo, sugar and gur paid 5 percent, advolerem duty. A specific duty of Rs. 7/- per maund was levied on iron and steels. A transit duty was levied on all salts.

In 1825 Holt Mackenzie submitted a memorandum in which he pointed out the necessity of abolition of transit duty within the Presidency of Bengal. In his opinion these duties not only caused vexation, but

imposed on trade a very heavy tax in the shape of delay and illicit exactions.

In 1834 Charles Trevelyan submitted a report on the customs and transit duty in Bengal Presidency and Lord Ellenborough, the President of the Board of Control, invited the earnest attention of the Court of Directors to this report. As pointed out by Lord Ellenborough, "no less than 235 articles were subjected to inland duties in Bengal Presidency and tariff included everything of personal or domestic use." Operation of the system and practice of search, and heavy duties prohibited the manufacture and crushed the internal trade. "It is a system" added Lord Ellenborough, "which demoralised our own people and which appears to excite the aversion of all the foreign traders of Asia." (Banerjee Page 227). A few days later the Directors were again requested by the Board of Control to direct the Governor General of Bengal to make internal trade free of all transit duties and town duties. This led to the passing of the Act XIV of 1838 by which all inland customs were abolished throughout the presidency of Bengal.

Transit duty in Bombay Presidency:—

The British Dominions were limited to the island of Bombay and Salsette in the beginning. Till the annexation of the kingdom of the Peshwa, the British area was very small. But even here, transit duties were levied at the rate of $2\frac{1}{2}$ percent advalorem. All such duties were abolished in 1836.

Transit Duties in Madras:—

The same system of internal transit duties which prevailed in the presidency of Bengal prevailed in Madras. In 1781 the duty was $2\frac{1}{2}$ percent advalorem. In the beginning of the 19th Century, there were no less than 21 Customs posts throughout the presidency and goods were taxed at every post which they had to pass. In 1812 the system was reformed, and by Madras Regulation I of 1812, a general inland duty of 5 percent advalorem was fixed to be levied at the place from which the goods were despatched. The goods were of course liable for inspection at all customs posts which they passed till they reached their destination, but no fresh duty was levied in the way. The certificate of payment of duty enabled the

goods to pass free by land throughout the Presidency, except into the limits of the town of Madras, or into the provinces of Canara and Malabar. Town duties were levied at Madras, while the duties of the latter provinces were governed by special rules.

Madras followed the Bengal and Bombay Presidencies in the abolishment of internal transit duty. By the Act VI of 1844 all such duties were abolished.

There is a matter of remarkable coincidence. During the time of Muncei, internal transit duty to be levied from one customs post to another was $2\frac{1}{2}$ percent. We hear the same rate of duty in the official histories of Aurangzeb, though he raised it to 5 percent for Hindus. The rate remained the same throughout the 18th. Century. In 1773, we find the same rate of duty i.e. $2\frac{1}{2}$ percent being levied in Bengal, and Bombay Presidencies. In Madras Presidency prior to 1812 the general rate of $2\frac{1}{2}$ percent had the field. India had changed very little in the matter of tariff. Truly it was a part of the unchanging East. Conditions in the time of Aurangzeb were much the same as they existed in the beginning of the times of the Company.

Town Duties :—

Town duties were a regular feature of the tariff administration of the East India Company. Town duties were levied in Calcutta and were named as Calcutta Customs. The following is a memorandum of the net collection of the town duties in 1815-1816 in the Presidency of Bengal :—

	Rs.		Rs.
Calcutta	1,09,080	Agra.	17,423
Murshedabad	37,393	Meerut	6,231
Dacca	7,117	Mirzapoor	61,365
Patna	22,647	Benares	65,577
Chitagong	182	Etawah	2,035
Cawnpore	9,818	Gorakhpur	5,942
Furukhabad	21,136	Mooradabad	4,231
Allahabad	10,482	Aligarh	5,272
Bareilly	19,590	Bundelkhand	3,777

TOTAL.....4,10,296.

Besides above the town duties were levied at the following places:—

Midnapore	Dinagepoor	Boglipoor
Burdwan	Commillah	Muzzaffarnagar
Hoogli	Nusembad	Chapra
Kishenghur	Rangpoore	Arra
Jessore	Purveak	Gaya
Nattore	Silhet	Gazipur

(Himilton Vol. I Page 78)

All town duties were abolished in Bengal Presidency in 1836.

Town duties were levied in all the important towns of Madras and Bombay Presidencies. They were abolished in 1844. The significant portion of the Act XIX of 1844 which repealed such duties in the Presidency of Bombay runs thus:—

"It is hereby enacted that from the 1st day of October 1844, all town duties, 'Korub veras' 'Motrafas' 'Lallotee' taxes and cesses of every kind on trades and professions, under whatever name that have been levied within the Presidency of Bombay and not forming part of the land revenue, shall be abolished."

first pay the Ganj-duty. If not sold and reloaded, the merchant must have repayment of the duty or drawback upon the part which he may carry elsewhere. Hence it is evident that much imposition may take place, either by debiting Government for fallacious refunding or by refusal to the merchant; indeed these objections were applicable to all inland duties and can scarcely be remedied." (Thomas Law: A sketch of the last arrangements in Bengal).

Similar dues were levied in Bombay and Madras Presidencies. Taxes were levied in the town of Surat on various trades engaged in the manufacture of silk cloths. Thus raw silk dealers paid Rs. 4,375/-, silk spinner Rs. 1,860/- per annum to the Company. The brocade manufacturers paid Rs. 2/- per piece which brought about Rs. 3,600/-. The Manufacturers of Putola silk paid Rs. 700/-, of blacker stuff Rs. 600/- and Kinari-walas Rs. 500/- per annum. All such dues were abolished by Regulation XVII of 1880. Similarly Rs. 15/- were realised from each member of the rice beater's punchayat who cleaned rice for sale. This duty was also abolished by the same regulation and a town duty imposed. Instances may be multiplied.

Tolls on Ferries and Roads:—

Tolls on ferries and way were also an important feature of the tariff system of the Company. "Tolls were charged on boats passing along certain channels of internal communication. These levies caused vexation and abuse, and impeded the trade of the country. But they were less objectionable than other forms of transit duty. These were abolished along with the other inland duties."....(Banerjee: Indian Finance in the days of the Company, page 231).

Position of the Chiefs:—

In the days of the Company, when it succeeded the Moguls and Marhattas as Paramount Power of India the position of Hindu and Muslim Chiefs remained the same as it was in the earlier times. Even when these Princes enjoyed no semblance of independence and practically lost their individual existence from the point of view of international law, their powers of taxation were not affected. It was a fundamental principle of the Company's administration to observe status quo.

Sir Charles Matcalf classified the Indian States enjoying British protection into two classes:—(I) quasi-sovereign states and (II) Dependent Principalities and classified Indian Rulers into "Treaty Princes" and "Sanad Chiefs". (G.N. Singh—Indian States and British India, page 6) Thus the king of Oudh, some of the Rajputana Chiefs, Members of the old Marhatta Confederacy and Nizam of Hyderabad were in the first category while the old state of Benares, most of the States of Kathiawar, Central Provinces, and Hill Areas came in the latter. All these Dependent Principalities of Sir Charles Matcalf's classification have been levying taxation on import, export and sale of commodities, and their right has never been questioned by the Paramount Power—rather has been definitely and constantly recognised till today. Some of the Sanad States are simply the creation of British Government, just like Jagirs. But when such transfers of areas were effected, the Company followed the old Moghul practice and transferred full internal autonomy with power to tax the transportation of commodities *i.e.* to levy export, import, transit duties etc. Kotputli was conferred upon the Raja of Khetri; Pargannas forming the Thakrai of Baghaaut and Pargannas of Metalu, Kuljoan, Buntheera, Koosalla, Janbai etc. were gifted to the Maharaja of Patiala; Jaipur Durbar secured the Pargana of Kotkasim. Every where full internal autonomy was granted.

Two broad characteristics are observed in the fiscal history of British Administration. (I) The East India Company adopted the fiscal policy of the Moghuls and Marhattas into entirety and (II) secondly the present customs policy of British Government is merely a gradual outcome of the old system abolished. First disappeared the market tax or Gunj duty, then the transit duties on transportation of commodities within the provinces, and lastly the interprovincial trade was rendered free. In the beginning was no principle other than of Revenue, involved in taxation. The policies of Protection of Infant Industries and Freedom of Trade are the results of the new age. Gradually the export duties were abolished as in Great Britain; while the Free Traders think that very soon International Trade would be made free of all customs. But change in the nature of taxation does not affect the right of taxation, which exists in every power which enjoys internal autonomy.

CHAPTER VIII

CUSTOMS IN JAIPUR STATE AND UNIARA THIKANA.

within the limits of its own territory, to the rights which were formerly exercised by the Moguls".

The Mogul system of taxation of commodities has been explained in detail in Chapter IV. The status of Rajputana states in the matter of levying of customs has been dealt with in Chapter V. The main argument of Mr. Wills regarding the illegality of the origin of the tax goes over board. Mr. Wills does not put forward facts and figures about the different taxes that were prevalent in the Jaipur State. The Jaipur State records can supply him with such material. His case is based upon one assumption after another without any iota of historical evidence. It has been shown that taxes on export, import, transit, internal transit, and sales and town duties were universally prevalent all over India in Mogul times and the Rajputana states levied such taxes. We admit of course that the present customs system is but an outcome of the old system. The present cannot be separated from the past in the matters of administration. Jaipur State had adopted the entire system of Moguls, which remained in vogue in Jaipure till the minority regime. As Prof. Sarkar observes: "This type of administration, with its arrangements, procedure, machinery, and even titles, was borrowed by the Hindu States outside the territory directly subject to Muslim rule. It would not be a surprise to see the Mogul system copied by the vassal Rajas of Jaipur or Bundelkhand; just as in our own day the British system is faithfully copied by the Durbars of Baroda and Gwalior, Indore and Alwar." (Mogul Administration. Page 3).

Unless there be any document to show the contrary, it may naturally be inferred that the Qanun Rahadari of 1870 was simply a codification of the then existing practice. A tax may be abolished and another imposed. Duties may be charged specific or advalorem. Motive of taxation may be religious bigotry like that of Aurangzeb, It may be desired to grant trade preference to one country or the other, or it may be to wage a costly war. All these facts do not affect the right of taxation. A right may be exercised in various ways, and simply because the other ways were not adopted it does not mean that the right does not exist. In the particular case of Uniara, it has been levying import and export duties since immemorial times. The various other taxes like transit duty, internal transit duty,

market duties, town duties etc., have been either abolished or greatly reformed, and the whole system simplified. Slow and gradual was the process of reformation, and it cannot be definitely ascertained as to when a particular tax was abolished. The Tariff system of British India has also developed out of the old system. All duties except export and import ones have been abolished and by gradual stages the whole system simplified.

It may here be submitted that the word Rahadari has adopted a peculiar meaning in this State. In the Mogul Empire the duties on goods were called by various denominations Hasil, Rahdari, Zakat, Tamgha, Baj, etc. In Jaipur the word Rahadari was used for all kinds of taxes on transportation of goods. Thus the words Rahadari includes the following taxes:

1. Import Duty or Daramad.
2. Export Duty or Daramad.
3. Transit Duty or Batan.
4. Internal Transit Duty or Rahadari.
5. Town Duty: Daramad Kasba.

"Qanun-i-Rahadari" promulgated in Jaipur State in 1870 gives the schedule of the different rates of duties charged on export, import and transit of goods. All the customs posts are even to this day called "Chowki Rahadari", and the tax collectors are styled as "Daroga Rahadari", or "Musaf Rahadari". The receipt of the tax is designated as "Rawanna-Rahadari" and the tax itself as "Mahsul Rahadari". The story is yet older. In the century back draft of the agreement that is alleged to have been made by the Sardars of Jaipur in 1818, the word "Rahadari" is used. It is peculiar however that in the neighbouring states of Kotah and in Sheikhawati, all the above named taxes are designated by a common term Zakat. When a specific meaning is attached to a word by centuries long practice, it is no use to find its literal meaning by referring to lexicons. Rahadari, Tamga, Baj, Zakat, Hasil were all Persian terms and the Hindu States, while adopting the Persian terminology, adopted any one of them, which was most current in their neighbourhood. In Uniara Thikana the same meaning is attached to the word Rahadari

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which is attached to it in the parent state. With the generic term Rahadari sometimes the specific words Behatan, Kiyali, Batwalli have also been used in Thikana papers. In that case the term is restricted to export and import duty. Then in 1858 A. D. Map-Rahadari, Behtan, and Batwalli duties of Uniara, Nagar, Banetta and Kakor were leased out to Panna Lal of Kekri. The lease was renewed in 1863 and 1868 A. D. but the word Kiyali was added to the list of duties so leased. Mapa, Kiyali and Batwalli are market and town duties. Behtan implies transit duty on the goods passing through the Thikana to some outside place. Export and import duties are designated as Rahadari. No specific words are used for these duties.

Mr. Wills wants to belittle the status and the Thikana's right of taxation by stating that the taxes were leased out to farmers. But farming was not the peculiar feature of only Jaipur, but the system of farming of taxes was universally prevalent all over India and was adopted even by the British Government. (Banerjee—Page 219, 214).

Mr. Wills states that "in Thikanas—or at any rate in these Thikanas with which I am concerned, they were left with the Thakur." Mr. Wills does not explain as to why an exception was made in the case of Sheikhawati and Uniara, while the other Thikanas were denied the right of customs from their very origin.

CHAPTER IX

THE TREATY AND THE SETTLEMENT.

Mr. Wills has, unconsciously of course, made a most unhappy observation that Jaipur State acquired sovereignty and with it the right of taxation in 1818, when its right was recognised by the East India Company. There is neither any authority nor any tradition to support this theory. The word sovereignty is used often in a loose manner. It sometimes means complete independence and absolute freedom in the management of internal affairs of the state, as well as the right to declare war or make peace, *i.e.* right to keep relationship with external powers by its own choice. In this sense Jaipur was never a sovereign state nor does it at present enjoy the element of full sovereignty. Often the word sovereignty implies full autonomy in the management of internal affairs, without any outside control. Some times the phrase internal sovereignty is also used to connote the same sense. During the Mogul time the state enjoyed full internal sovereignty.

The Rajputana states were semi-independent states. Apart from the payment or tribute, the Moguls never claimed any right of interference in the internal affairs of a state. When the British East India Company objected to the levying of customs by the Hindu Raja of Danta—a state in Mogul Empire—in spite of the passport granted by the Emperor, it was specifically explained to them that the Raja was an independent prince and the Emperor could not interfere with his levy customs.

Jaipur is not a Sanad State. The treaty of 1818 did not confer any new powers upon it. It is simply a contract between two independent states, *i.e.* East India Company and Jaipur State, governing their further relation-ship with each other. Jaipur lost a portion of sovereignty on account of the treaty, rather than acquired any sovereignty. Prior to 1818, it could make any alliance with any power in India, it could declare war against any state at its sweet pleasure, but, on account of the treaty, it

entered into a subordinate alliance with the British Government, and these rights were specifically taken away. It is not our purpose to criticise the treaty or to point out defects. Nor the writer wants to impute any political motives to the British Government. On the other hand, the writer fully believes that but for the protecting hand of the British Empire, the state would have disappeared, during the early years of the nineteenth century. But from the strictly legal point of view, it is an apparent fact that the state lost some portion of its sovereignty, rather than acquired any sovereign rights, as Mr. Wills makes us to believe. The treaty did not affect the powers of the State in the matter of internal administration. It retained all those powers that it formerly exercised. The State levied its own customs prior to 1818 and it continues to levy them still. Similarly its relationship with the Thikanas who formed component parts of the State were not at all affected, It neither acquired new powers nor lost any, which it had already got. On account of the treaty, no claims can be put forward by the state, regarding any imposition of any fresh obligation on the Thikanas in general and on Uniara in particular. If the state enjoyed particular power of paramountcy over the Thikana prior to the treaty, the powers remained unaffected. No new powers were acquired.

As regards the right of levying customs, it has been shown, that prior to 1818 the state had no power of levying customs in Uniara thikana and that the thikana was levying such duties within its border. Mr. Wills himself admits that the duties have been so realised from Mogul days. He only questions the legality rather than the factum of taxation. It is an admitted fact that the state never levied any customs duties at any time in Uniara. We want to know as to when, how and from whom the state acquired any powers of levying customs taxes in Uniara.

The next line of offensive of Mr. Wills is the alleged settlement of 1818. The question of settlement has been fully discussed in chapter X of Part I, and it has been shown that the settlement never took place or in any way, it never was completely executed. It has been further shown that the draft of the proposed settlement related only to 'Jagirs and farms' and had nothing to do with the original parganas of the Uniara thikana. But a further scrutiny of clause (7) of the said settlement is necessary.

It is an admitted fact, that Rahadari—whatever meaning may be attached to that word,—was never levied by the state in Uniara. In the light of the information the settlement is meaningless. It has been definitely stated by Major Ochterlony, that what he wanted was to guarantee the existing rights and privileges of the nobility, and to take back those, that had been forcibly usurped by them. It is further to be noted, that Rao Rajas of Uniara are not Bhomia Zamindars and levy no Zamindari duties. The clause makes it all the more clear, that the proposed settlement was about the Bhomia Jagirdars of Jaipur and not about such important administrative units like Uniara. Mr. Wills wants to ride on two horses at the same time. On the one hand he states, that the thikanas under inquiry including Uniara were levying Rahadari duty from the Mugul times, but these levies being unlawful, the state can now exercise its customs right throughout its area including Uniara. On the other hand he argues that Uniara and other thikanas were not levying any Rahadari duties prior to 1818 and so can not levy them now. Any comment is unnecessary.

CHAPTER X .

SINCE 1818.

It has already been submitted, that till 1818 the year of the conclusion of treaty with the East India Company, Uniara enjoyed complete internal autonomy enjoying all police, judicial and taxation powers. It levied its own customs and spent the money in any way it liked. This position was retained by Uniara, and Uniara has always been regarded as a foreign territory particularly in the matter of customs. It does not imply, that the Thikana was independent of the Durbar, but that its position was just like that of the India or Ceylon in relation to England. Both India and Ceylon are component parts of the British Empire; but still they are regarded as foreign territory in the matter of customs by England, while the latter's goods are taxed in these two countries when they are imported.

Sometime after the treaty, in the second quarter of the 19th century, the customs question attracted the notice of the British Political Agents, and some definite principles of taxation seem to have been laid down by Major Thoresby and Major Ladlu in the matter of levying customs by the Thikana (Uniara Vakil's letter dated Jeth Sudi 2 St. 1902).

In 1847 an attempt was made by the British Government as Paramount power, to establish a sort of zoliverin for the whole of Rajputana, with all internal customs barriers done away with. A very important note was submitted on this point by Hon'ble Lieutenant Governor of the North Western Provinces to the Central Government on 10th August 1847, after a tour of this province. The Hon'ble Lt., Governor thus remarked about Rajputana States :—

“Some of these principalities are of considerable extent, and yield a large revenue, but others are of very insignificant size. All are of a very irregular form, and many of them consist of disconnected parts, separated from each other, and intermixed with the lands of other States”.

"Native States are jealous of all interference in their Sayer or customs duties. They consider the power of levying such duties the peculiar prerogative of sovereignty, and the badge of independence. Hence independent state arrogates to itself the right of regulating the customs in its own Khalisat lands, and the petty dependent or feudatories claim and exercise the same right within their own lands".

"Not only do the impositions upon trade vary according to the strength of the Central Government, but also according to the caste, rank, or influence of the travelling merchants.....Most states farm their customs revenue to some great merchant. In such case the lease is taken not simply for the fair levy of a fixed traff, but for the power of commercial monopoly which the farmer thus obtains".

In this important document the customs revenue of "Jaipur (Khalisah and Thankoors)" is shown as Rs. 4, 50,000/- per annum.

A Conference of the Vakils of all the states and chiefship of Rajputana was held at Ajmer and a zellverein was suggested, but the idea did not materialise. (Minnte by the Hon. the Lt. Governor of the North-Western Provinces dated 10th August 1847). Just on the eve of the mutiny in 1856, the Bhats and Charans claimed exemption from the payment of customs to Uniara on goods imported by them. The matter was again referred to the British Resident at Jaipur, and it was held that the arrangement which have been in force in the Jaipur State according to ancient usage and custom shall continue. The Thikana was directed to levy the customs on the Charans and Bhats and to punish those who cause any obstruction or annoyance to the tax collectors in the discharge of their proper functions.....(Order of the Resident dated 31st May 1856).

The nineteenth century brought about a lot of administrative reforms and simplification of Customs. All levies on internal trade began to look heavy and burdensome. Throughout British India all inland customs and town duties had been abolished by 1856. The whole Indian Empire being one economic unit, transit duties, which were levied by the Indian States, completely set at naught the beneficial advantage, that were expected from the abolition of internal customs in British India. Thus goods transported

from Agra to Ajmer had to pay these duties and abolition of internal customs was deemed extremely necessary and beneficial, and so pressure was exercised by the Government of India upon the states in making them agree, to abolish the transit duties. The opening of the railway expedited the matter, for unless these barriers were abolished, nothing could be transported by rail. Goods were to be inspected and examined at very customs posts and transit duty levied on the borders of every state. In 1868 Jaipur State gave up all transit and other duties on goods passing by rail through its territory. As no railway line passes through Uniara, this agreement did not affect the Uniara Thikana.

In 1869 the Jaipur State entered into a treaty with the British Government, by which it leased its share of Sambhar Lake to the latter. By article 9 of the said treaty, it was laid down that "no tax, toll or transit duty or dues of any kind whatever, shall be levied by the Jaipur Government or shall by it be permitted to be levied by any other person on any salt while in transit through the Jaipur territory and covered by a British pass en route to any place outside the Jaipur territory. On account of the treaty, transit duty on salt was abolished both by the Jaipur State and the Uniara Thikana. Mr. Wills characterises this agreement as an "assertion of His Highness" general prerogative, and an admission of the existence of some separate though subordinate control." Mr. Wills ignores the fundamental constitutional principle that Uniara and other Thikanas have no separate existence in the political map of India. For outside representation, they are part and parcel of the Jaipur state and every treaty or engagement made by the Jaipur State is equally binding both upon the Khalsa area and the autonomous Thikanas. Similarly Jaipur has got no international recognition and to all independent countries it is represented by the British Crown, *i.e.* Government of India. Any treaty entered by the Government of India, or any engagement made by it with any foreign power becomes *ipso facto* binding upon the Jaipur State. The Government of India is an original member of the League of Nations and its conventions and agreements are binding upon the Jaipur State, though the Jaipur State has no independent representation of its own in the League.

Even after this treaty, the customs rules were modified and embodied

in Qanun-i-Rahdari, promulgated in 1870. As Mr. Wills observes: "It is a remarkable circumstance that this new Qanun-i-Rahdari, though formally promulgated for the whole State, did not, take effect in Sikar, Khetri, Punchpana Singhana apart from Khetri, Khandela, Udaipurvati, Patan or Uniara". The reason is clear enough. For administrative purposes Uniara was never regarded as a part of the Jaipur State. The fiscal acts and enactments of the Government of India never apply to the native States. Similarly Uniara was regarded as a foreign territory and the act was never meant to apply to its area, for at the time of promulgation of the customs rules no attempt was made to appoint custom Chowkies in Uniara Thikana.

In 1872 on account of the heavy debts over the Thikana which it failed to liquidate, the whole Thikana was mortgaged to Seth Lakhmi Chand Radha Kishan by the Jaipur State Council. It was agreed that the mortgagee would retain some portion of the income of the Thikana in payment of his money, while some amount be paid to the Rao Raja for his expenses. The possession of the entire Thikana was given to the creditor, by Un. No. 295 of State Records. By the specific words of the Sanad granted to Seth Lakhmi Chand Radha Kishan, they were allowed to realise customs, which was formerly realised by the Rao Raja of Uniara.

In 1862 the Jaipur State, at the instance of the Government of India, remitted all transit duties on the roads leading to and from the Railway stations in Jaipur territory. This was a second and necessary step after the treaty of 1863. In 1864 all transit duties were abolished and the customs system was simplified. But though the transit duty was abolished, yet the internal transit and town duties were still levied throughout the Jaipur State including Khalsa area and Uniara Thikana, of course both remained as separate units. Internal transit and town duties were abolished by the State in the Khalsa area during the last minority period. In Jaipur too, the development of customs has been gradual as in British India. Tolls, levied on internal trade, market duties and transit duties were abolished and only export and import duties retained. Exactly the similar process has taken place in Uniara Thikana.

While dealing with the problem of Customs right of the Thikana, its geographical position must always be kept in mind. Thikana is

separated from the rest of the Jaipur State by the State of Tonk, which lies between the two. It is all round surrounded by the Tonk, the Bundi, and the Kotah States. It barely touches the parent State on its North Eastern and North Western borders. On account of its very geographical position, there is practically no trade between Jaipur and Uniara. All the trade of the Thikana is with the neighbouring States of Tonk, Bundi and Kotah. Its case is quite different from Shekhawati Thikanas, who are situated very close to the Khalsa area. The geographical position of Uniara throws overboard the argument of Mr. Wills, who characterises the customs—right of the Thikana as a mere seigniorial right.

During the course of oral arguments the attention of the legal adviser was drawn towards file No. 3 of Samvat 1928 of Customs Department, Jaipur State. It seems from the file that there was some complaint about the Uniara staff regarding their attitude in not allowing the Raj Mashraf at Kanwara to realise the customs duty from the traders. Special reliance seems to have been placed upon the letter alleged to have been written by Rao Raja Sangram Singh, dated Mah Sudi 13th May 1928, which is taken to be an admission of the chiefship regarding the practice of a Raj custom chowki at Kanwara, and levying of Rahdari duties by the State in that village. The legal adviser could not go through the bulky file, but it is submitted that nothing in the said file helps the State's case regarding customs. It is not clear from the file as to what Rahdari duties are referred to in that. Jaipur is legally entitled to levy Rahdari on goods exported from State to Uniara, and imported into it from that place. If the complaint be about the Thikana's high-handedness in not allowing the Todarai Singh Daroga to realise export and import duties on such transportation of merchandise, the complaint was a fair one, and it does not prove that the chiefship of Uniara has no right to levy customs. The relevant portion of the letter dated Mah Sudi 13 S. 1928 is simply this: The cories of Rahdari are realised by the Mushraff of State and the Mapa of the village is deposited here. The Mushraff should be directed to realise the cories of Rahdari according to the new law (Qanun-i-Rahdari promulgated in 1878 A.D.).

Even if it be suggested, that there was at some time in distant past some Raj Mashraf at Kanwara, the state's case is not supported. The

CHAPTER XI

SUMMARY

The word Customs includes all kinds of taxes on transportation or sale of commodities i.e. export, import, transit duties, town duties, market duties, internal transit duties etc. These taxes were formerly levied in the West as well as in the East and it is from the universality of the practice that the word is generally used in the plural. Direct taxes have come into prominence only in the 19th century, with the growth of civic consciousness, rising tide of democracy and transfer of Government control to the masses. Formerly the most of the revenues of a State were realised either from the land tax or from indirect taxes. This system prevails in Rajasthani States.

Prior to 17th century the foreign trade of India was extremely limited, the articles of art and delicacy, being the chief exports and spices or precious metals being the only imports. As Prof. Jodumsh Sarkar observes; "The foreign trade occupied a negligible position in the economics of the Mogul Empire till the end of the 17th century on account of its small volume."—(*Studies in Aurangzeb's Reign*, Page 273). A tax on foreign trade could thus bring little revenue to the Public Exchequer. On the other hand the internal trade was brisk and active and its taxation could bring appreciable revenue to the State. In the Maurya Empire "The merchant was harassed by ones at the frontiers, by road taxes and tolls, and by control at the gates of the cities."—(*Cambridge History of India Vol. I, P. 478*).

The system continued down to the time of the Hon'ble East India Company. In the time of Aurangzeb the following duties were levied in India :—

Tamgha.	Baj.	Zakāt
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About the first two little is known, but Zakāt was a provincial customs duty. When goods were transported from one province to the

SUMMARY

other, they were charged export duty in the former and import duty in the latter. It was levied 2½% advalorem, but Aurangzeb raised it to 5 percent from Hindus, though the rate remained the same from Muslims.

Town duty - market tax or Husil Bazar.

Rahdari : Formerly it was levied on goods passing over particular roads for payment to Chowkidars for protection of merchants. Subsequently it was turned into transit duty pure and simple.

Mahal - Ferry dues.

Mir Bahary - Sea Customs.

The same system continued in the time of later Moguls and Marhattas with the only difference that while formerly all the revenues of the provinces (not states) including inland customs duties went to the coffer of the Emperor, now they were appropriated by the defacto independent Governors or independent chiefs who had carved out kingdom for themselves. In the time of anarchy inland customs were also a regular feature of the Marhattas Administration.

When the East India Company came into power it also levied the same customary taxes in the usual customary way. Every province had its own tariffs, while separate duties were levied on transportation of goods from one place to another in the same province. Town duties and market dues were also levied. The interprovincial trade was made free

in 1848. Transit duties along with tolls and ferry duties were abolished in Bengal and Bombay in 1836, and in Madras in 1844. Town duties were abolished in 1836 in Bengal and in 1844 in Bombay and in Madras presidency. Market dues disappeared in 1830. The present tariff system of British India is a simplified form of old Mogul system. All inland taxes have been abolished and merely sea customs retained. The East India Company also followed the policy of the Moghls and did not make any objection to the levying of customs by the Indian States.

The Jaipur state copied the Mogul administration in its entirety and retained it till the last minority administration. In Jaipur State all kinds of duties that were levied in Mogul times were levied till 1870, when the prevalent customs rules were embodied in Qanun-i-Rahdari. The word Rahdari gained more general meaning in Jaipur and it was used for all kinds of taxes on commodities. Even now the word is used in the same sense and is applied to export and import duties.

The treaty of 1818 did not confer any sovereign right upon the state. The treaty had nothing to do with the internal administration of the State, rather the article 8 of the treaty laid down that the Maharaja and his heirs shall be absolute rulers of their territories according to long established usage. The status was not altered but maintained. The alleged settlement was never completed and even if it was, it only applied to Farms and Jagir lands and not to autonomous Thikanas.

Rahdari was admittedly levied by Uniara, while the agreement recites that "As of old Rahdari is levied by the Durbar it will continue to be so levied." The language refers to Khalsa and Jagir lands.

Since 1818, the State and Thikana have been levying their separate customs. The tariff has also been simplified in the Jaipur State. Transit duties on goods transported by rail disappeared in 1868. Three years later transit duty on goods brought on feeder roads was also abolished. The transit duties completely vanished in 1884. The internal transit duties and market dues remained till 1924 when they were abolished by the minority administration. The same process took place in Uniara. The customs right of the Thikana have not only been acknowledged by the State but also admitted by the British Government.

SUMMARY

Uniara occupies a peculiar Geographical position ; it being completely separated from the parent State by the State of Tonk. From its very position it has got no trade with Jaipur State, but only with the neighbouring States of Bundi, Tonk and Kotah, and taxation of the foreign trade rather than internal trade is the important source of revenue to the Thikana. It is not an exercise of seigniorial right but that of customs pure and simple.

The bogey of sovereign rights is being unnecessarily raised. Sovereignty indicates an assemblage of powers and privileges *i.e.* right to declare war or peace, maintenance of law and order, administration of justice, levying of taxes etc. Sovereignty is divisible and some rights may be lodged in the possession of one and some in that of another. The Indian states do not enjoy full sovereignty. Various degrees of autonomy are enjoyed by different States. Similarly sovereignty is divided between Durbar and Thikana which enjoys certain measure of autonomy. States and Thikanas of similar status, rank and position levy customs and no constitutional jurist has, as yet, questioned their right. If only full sovereign power can levy customs, then the only power legally entitled to levy it is the British Government. No State in India enjoys full sovereignty.

Uniara Thikana was originally independent. In the 18th century it came into the orbit of Jaipur and began to pay to it a fixed tribute. In 1818 its position was such that an alliance with the East India Company was likely. Subsequently it has lost certain powers and privileges by usage or convention. All other residuary powers not so transferred still belong to the Thikana. The right of levying customs has always been exercised by the Thikana and never transferred to the Durbar, who has treated it as Illaqa-gair. Durbar at present can claim no right of levying customs in Uniara.

APPENDICES

APPENDIX A. Maharaj Udai Karan

Bar Singh

Narsingh (Amber)

Mahrajji

Naruji (Narukas)

Rao Dass
(Ancestor of Dasawat Naruka)

Rao Lala
(Ancestor of Lalawat
Naruka-Alwar)

Rao Karam Chand

Rao Singhji

Sesh Mal
(Lawa, Ladhana and
some Jagirdars
in Uniara)

Chandra Singh

Rathi Raj
(Garbi & Jawali in
Alwar, Kot & Garhin
Jaipur)

Rao Jat Singh

Rao Chander Bhan

Indra Bhan (Jagirdars Uniara)

Rao Hariji

Rakhiraj (Jagirdars Uniara)

Rao Fateh Singh I

Rao Sangram Singh I

Rao Ajeet Singh

Udai Singh
(Jagirdar Uniara)

Bijey Singh
(Jagirdar Uniara)

Rao Raja Sardar
Singh Bahadur

Umaid Singh
(Jagirdar
Uniara)

Daulat Singh
(Jagirdar
Uniara)

Mohabat Singh
(Jagirdar
Uniara)

Inder Singh
(Jagirdar
Uniara)

Kr. Jaswant Singh

Rao Raja Bishen Singh Bahadur

" " Bhim Singh "

" " Fateh Singh "

" " Sangram Singh "

" " Guman Singh "

" " Sardar Singh Bahadur II (Present Chief)

Daib

Daibinder Singh

Daibinder Singh

POLITICAL STATUS OF UNIARA

APPENDIX B.

GRANTS MADE BY THE CHIEF OF UNIARA PRIOR TO 1727 A.D.

1. Rao Chandra Bhan

Date of grant:

Details.

1. 100 Bighas in Kakor, granted to temple of Chaturbhuj Ji. proved by Patta of Sardar Singh dated Sawan B.2.1817 Confirming the old grant.
2. Bhado B.6S.1715. 50 Bighas in Nagar, granted to Jagan Nath proved by the original Patta.
3. Baisakh S.5.S.1712. 206 Bighas in Kakor, granted to Purohit Debi Dass proved by the Patta by R.R. Sangram Singh on Jeth Budi 5, Sambat 1932.
(1657 A.D.)

2. Rao Har Singh

4. Chait S.6. S.1718. 260 Bighas in Banjari, granted to Joshi Bhav Nath proved by the original Patta.
(1661 A.D.)

3. Rao Fateh Singh

5. Katik B.30.S.1731. 35 Bighas in Kakor, granted to temple of Shriji proved by the Patta issued on Jeth Sudi 9, Sambat 1932 by R.R. Sangram Singh.
(1674)
6. Baisakh Budi 30. 100 Bighas in Kakor, granted to Misra Hari Kishan S.1731 (1674 A.D.) proved by the Patta issued on the date of grant.
7. Baisakh Budi 30. 100 Bighas in Kakor, granted to temple of Kalyanji, S.1736 (1679 A.D.) proved by the Patta issued on the date of grant. The grant was subsequently confirmed on Asarh Budi 12 Sambat 1932 by a Patta issued by R. R. Sangram Singh II.
8. Asoj Budi 30. 30 Bighas in Kakor, granted to Raghunath's ancestors S.1738 (1681 A.D.) proved by a Patta issued by Rao Raja Fateh Singh II, confirming the old grant on Magh Sudi 8 Sambat 1921.
9. Katik Budi 10, 51 Bighas in Suntara (Banetta) granted to the temple S.1745 (1688 A.D.) of Bihariji's Pujari, proved by the Patta issued on the

same date. This grant was subsequently confirmed by (i) Jit Singh in Asarh S. 7, S. 1788. (ii) Rao Sardar Singh on Sawan Budi 8, S. 1801. (iii) R. R. Bishan Sing, Pos S.6, S.1835. (iv) R. R. Bheem Singh Katik S. 11,S.1848. (v) R. R. Sangram Singh II, Baisakh Sudi 8, S. 1932, as is clear from the Patta issued by R. R. Sangram Singh.

4. Rao Sangram Singh.

10. Mangsar Budi 30, 225 Bighas in Nagar, granted to Lalpuri, proved by S. 1748 (1691 A.D.) the Patta issued on the date of grant.
11. Jeth Budi 2, S. 200 Bighas in Uniara, granted to (i) Bohra Trilk 1748 (1691 A.D.) Rai (ii) Anand Rai (iii) Anup Rai and (iv) Atma Rai.
12. Chait Budi 7. S. 40 Bighas in Uniara, granted to Nanga Panda, proved 1754 (1697 A. D) by the Patta issued on the dated of grant.
13. Asarh Budi 4. S. 225 Bighas in Nagar, granted to Shami Madho- 1754 (1697 A. D.) Singh proved by the Patta issued on the date of grant.
14. Sawan Budi 1, S. 60 Bighas in Uniara, granted to Misra Ramji proved 1766 (1709 A. D.) by the Patta issued on the date of grant.
15. Sawan Budi 4, S. 40 Bighas in Uniara, granted to Misra Ramji proved 1766 (1709 A. D.) by the Patta issued on the date of grant.

5. Jeet Singh.

16. Asarh Budi 8, S. 8 Bighas in Kakor, granted to Harkishen s/o Prag 1776 (1719 A. D.) proved by the Patta issued by R. R. Sangram Singh 11 on Jeth Sudi 9, Sambat 1932 confirming the old grant.
17. Asarh Sudi 9, S. 6 Bighas in Kakor, granted to Raghunath's ancestors 1776 (1719 A. D.) proved by the Patta issued by R. R. Shri Fateh Singh II on Magh Sudi 8, Sambat 1921, confirming the old grant.
18. Asarh Budi 1, S. 161 Bighas in Balunda, granted to Govindpuri and 1788. Kanwarpuri proved by the Patta issued on the date of grant.

APPENDIX C.

JAIPUR STATE RECORD ONIARA 8 A.

Letter from Kushal Singh to Ayamal.

After usual compliments. When I was at Khāndar, news was received that the army of Subah had come towards Nainwa and had pressed Salim Singh Hara for the dams of Nainwa. There was hardly any fight. Then they went towards Nagar, where Jeet Singh Naruka's force was very small. However, they kept them at bay. In the night the force entered Nagar and gave them a battle. The army destroyed several villages and realised the amount, and from there they sent cavalry to invade the villages of my Taluqa and asked me to send Gūmastas to settle the Mamla. Therefore, I sent Kanwarji to Khandar with 250 horses and Varkandaz and I myself moved to Jhilai after making satisfactory arrangements. The Nayab to the Subah is encamping near Uniara and this is the condition of our Taluqa.

Pargana Sarsop is the Jagir of Sarkar (Maharaja S. Jai Singh). We all the Bhaibhands were at Khandar along with Raiji. We settled the Ijara at that place and secured Pattas under Raiji's seal. Part of the money has been paid. Raiji demands the balance for which we will give security. All the arrears of the past have been paid.

Pargana Jhalai is Khalsa. Sheoram Debi Singh are Khalsa. Mutsaddis.

A part of the Dams of Bonli are in the Jagir of Hussain Khan Foujdar (Ranthambhore) with whom accounts have been settled through Narotam Das. Most of the Kharif amount has been paid and the Rabi amount is being demanded. Settlement is being made with miscellaneous Jagirdars.

Bhagwantgarh Jagirdars are friendly. At that place Rs. 2000/- annually are paid as Peshkash of Foujdar. This amount has been paid to Hussain Khan.

No Dams of Peshkash is levied for other estates. You have collected this Suba Foujdari for much time and are familiar with all facts. Suba Naib is following a policy of oppression by fair means or foul and says that Sarsop is in his Jagir. Sawars have been received by Foji Ram Fateh Chand and you should settle about Sarsop. Sawars have also come to me and to

one of my brethern demanding payment of Maula. Our Taluqa's condition has been stated above. We are glad to agree to reasonable things, but if he oppresses and harasses us wrongly, you will have to help us. This district is not ours, it is all of Sarkar. You should submit this fact to Maharaja Sahib, and talk over the matter with the Nawab or Rai. You should also get a letter addressed to the Naib. There is one more suggestion that for five days Rai Sheo Das may be sent to this place so that he may protect us and no oppression may be done over us. This is a thing of Suba, Suba of your Nobles. If you keep them protected your glory will increase. If there be any news, kindly communicate to us.

APPENDIX. D,

JAIPUR STATE RECORDS UNIARA 27 D.

Memo of the Revenue and Peshkash of Faujdari Gadh Ranthambhore

	Annual amount Rs. 91,758/-	Sambat 1784- 1785	For two years Rs. 1,80,516/-
(1) From Bonli per annum	<u>25,408/-</u>		
From Kushal Singh	24,583/-		
From Borda and Others.	<u>825/-</u>		
	<u>25,408/-</u>		50,816/-
(2) From Bhagwantgarh and other Parganas per annum	<u>4,200/-</u>		
From Bhagwantgarh	2,200/-		
Rathores	<u>2,000/-</u>		
	<u>4,200/-</u>		8,400/-
(3) From Taluka of Jeet Singh Naruka per annum	<u>26,750/-</u>		53,500/-
(4) From Haro Talukas per annum	<u>35,500/-</u>		
From Salim Singh	1,000/-		
Khatoli	4,000/-		
Phalodi	4,500/-		
Indragarh	11,000/-		
Chagni	6,000/-		
.....	<u>9,000/-</u>		
	<u>35,500/-</u>		71,000/-
(5) From Taluka of Jadus (Karoli) per annum	<u>1,600/-</u>		3,200/-
(6) From Piploda	<u>1,300/-</u>		<u>2,600/-</u>
	Total for two years		1,89,516

ANSWERS APPENDIX F

POLITICAL STATUS OF UNIARA

APPENDIX F.

JAIPUR STATE RECORD No. UN. 208.

Copy of Parwana dated Sawan Sud 7; Sambat 1806

From

Maharaja Sawai Ishwari Singh to Rao Sardar Singh Naruka (of Uniara).

'Rao Narain Das has narrated all which you referred to him. His Late Highness conferred on you village Awan in reward, and villages Kanwara, Niwaria etc. 12 in number are given to you on lease. So you are to pay its lease amount according to usage and populate those villages.

The grant of these villages is "Istamrari", *i.e.* perpetual and you shall enjoy them "Watanju" *i. e.* like your patrimony'.

APPENDIX H.

Copy of the letter dated 20th November, 1882, from the Resident, Sir David Ochterlony, Malwa and Rajputana Residency, Neemuch, to Capt. J. Stewart, A. G. G., Jaipur.

Sir,

I have the honour to acknowledge the receipt of your letter of the 21st.

It appears to me evident from this letter and the proceedings generally of the Jaipur Durbar that they wish to avail themselves of present circumstances to establish a degree of Interference in the petty state of Ooniarah beyond the Privileges of Paramountcy which I apprehend usage to have defined. I conceive it to both our interest, and our duty to protect this State against all undue and unwonted exercise of power, and the more so as to the Jaipur Durbar at this time is a scene of faction, intrigue and mismanagement which forbid the hope of any benefit arising from their interference, but on the contrary excites well grounded apprehensions that their interference may be attended with the most prejudicial effects. With these sentiments strongly impressed on my mind I conceive it a duty to request you will do anything in your power, to obstruct the views of Jaipur, and exert yourself to place Ooniarah as independent of them as can possibly be effected consistently with ancient usage, which I believe gives them no right to intermeddle in internal matters unless by desire, and is confined to certain pecuniary sacrifices and feudal services, which it would be greatly for the ease, comfort and prosperity of Ooniarah that we should see duly performed rather than give them a pretext to exact.

I have the honour etc.

Malwa and Rajputana Resy :

Sd/-D. OCHTERLONY.

Neemuch, 20th November, 1882

. Resident.

G. E. H.

APPENDICES
APPENDIX I.

APPENDIX J.

The Special distinctions enjoyed by the Rao Raja of Uniara in addition to those enjoyed by all first class Tazimi Sardars of Jaipur.

(1) A salute of 5 guns is announced on Rao Raja's arrival and departure from the Royal palace.

(2) The Chanwers and Morehals—the recognised emblems of royalty are allowed so long the Rao Raja remains in the procession and can go with them right upto the Khas palace of the Maharaja.

(3) Rao Raja is allowed to ride right up the Kara in the Deohri.

(4) The Khas Rugga issued to Rao Raja bears a seal of H.H. on the cover flap.

(5) By way of hospitality Rs. 500/- per day are allowed to the Rao Raja when he goes on invitation from H.H.

(6) When Rao Raja goes to Jaipur by Khas Rugga on invitation from H. H. the Maharaja Sahib Bahadur, two Tazimi Sardars of the Raj receive him at Jhalana, 4 miles from Jaipur, with all Lawazima *i.e.* Naggara, Nishan, Dhalait, Chobdar etc. with Guard of Honour. Tazimi Sardars and Lawazima escort him to his camp.
